

#15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re : U.S. Patent No. 4,338,325  
Issued : July 6, 1982  
Inventors : Roy A. Johnson, Frank H. Lincoln and John E. Pike  
Assignee : The Upjohn Company  
For : PGI<sub>2</sub> PHARMACOLOGICALLY ACCEPTABLE SALTS

RECEIVED  
NOV 16 1995  
OFFICE OF PETITIONS  
AND APPEALS

Commissioner of Patent and Trademarks  
Box Patent Extension  
Washington, DC 20231

**APPLICATION FOR PATENT TERM EXTENSION UNDER 35 U.S.C. 156**

Sir:

Applicant, Glaxo Wellcome Inc., a corporation of the State of North Carolina and successor in interest to Burroughs Wellcome Co. by virtue of merger and change of name, represents that it is the agent of The Upjohn Company, a corporation of the state of Delaware, for purposes of filing an Application for Patent Term Extension for U.S. Patent 4,338,325 pursuant to a grant of Special Power of Attorney. A true copy of said Special Power of Attorney and Certificate of Merger / Change of Name are attached hereto as EXHIBITS 1 & 2, respectively.

Applicant further represents, pursuant to 35 U.S.C. 156(d)(1), that The Upjohn Company is the record owner and assignee of the entire interest in and to Letters Patent of the United States of America No. 4,338,325 granted to Roy A. Johnson, Frank H. Lincoln And John E. Pike on July 6, 1982 for PGI<sub>2</sub> PHARMACOLOGICALLY ACCEPTABLE SALTS by virtue of an assignment to The Upjohn Company recorded in the United States Patent and Trademark Office on April 16, 1982, Reel 3967, Frame 0601. A true copy of said assignment is attached hereto as EXHIBIT 3.

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02-4857 030 111 1,060.00CH

Applicant further represents, pursuant to 37 C.F.R. 1.785(d), that it is the holder of the regulatory approval granted by the Food and Drug Administration ("FDA") for FLOLAN® (epoprostenol sodium) for Injection (hereinafter, "FLOLAN® Injection"). See EXHIBIT 4.

Applicant presents this Application for Extension of Patent Term under 35 U.S.C 156 according to the format set forth in 37 C.F.R. 1.740(a).

Applicant hereby submits this application, in the alternative with an application for extension of U.S. Patent 4,883,812, both in respect of FLOLAN® Injection, duly electing U.S. Patent 4,883,812 to be extended and in the alternative U.S. Patent 4,338,325 pursuant to 37 C.F.R. 1.785(b). Applicant makes known that the present election is not intended to waive any right of appeal should its election or alternative be denied.

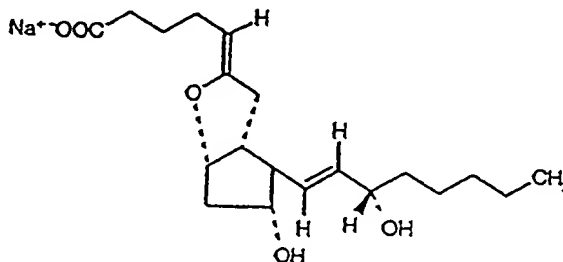
- (1) This application for extension is based upon the regulatory review period before the FDA of Applicant's approved product, FLOLAN<sup>®</sup> Injection. The only active ingredient in FLOLAN<sup>®</sup> Injection is epoprostenol sodium. A copy of the labeling approved by the FDA as part of New Drug Application ("NDA") 20-444 for the approved product is attached hereto as EXHIBIT 5. Identification of the approved product, FLOLAN<sup>®</sup> Injection, is provided as follows:

Chemical Name: Epoprostenol is (5Z,9,11,13E,15S)-6,9-epoxy-11,15-dihydroxyprosta-5,13-dien-1-oic acid.

The active ingredient is epoprostenol sodium.  
(as per approved labeling, see EXHIBIT 5)

Molecular Formula:  $C_{20}H_{31}NaO_5$

Structural Formula:



Molecular Weight: 374.45 Daltons

Description: FLOLAN<sup>®</sup> (epoprostenol sodium) for Injection is a sterile sodium salt formulated for intravenous administration.

FLOLAN<sup>®</sup> is a white to off-white powder that must be reconstituted with STERILE DILUENT for FLOLAN<sup>®</sup>.

After being reconstituted, each vial of FLOLAN<sup>®</sup> contains epoprostenol sodium equivalent to either 0.5 mg or 1.5 mg epoprostenol, 3.76 mg glycine, 2.93 mg sodium chloride, 50 mg mannitol and Water for Injection, USP. Sodium hydroxide may have been added to adjust the pH between 10.2 and 10.8. See EXHIBIT 5.

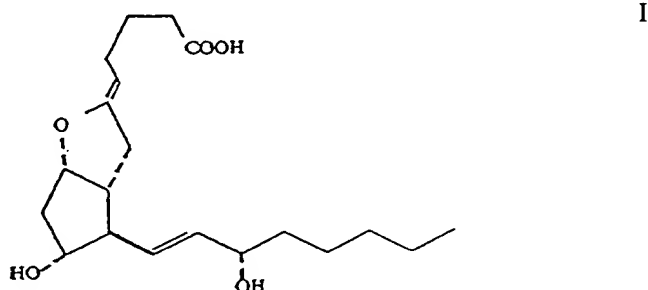
- (2) The approved product, FLOLAN® Injection, was subject to regulatory review under Federal Food, Drug and Cosmetic Act, section 505 (21 U.S.C. 355).
- (3) FLOLAN® Injection received permission for commercial marketing or use under section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355) on September 20, 1995. See EXHIBIT 4.
- (4) Epoprostenol sodium, the only active ingredient in FLOLAN® Injection, has not been previously approved for commercial marketing under the Federal Food Drug and Cosmetic Act, the Public Health Service Act, or the Virus-Serum-Toxin Act.
- (5) This application for extension of patent term under 35 U.S.C. 156 is being submitted within the permitted 60 day period, which will expire on November 18, 1995.
- (6) The complete identification of the patent for which extension of term is being sought is as follows:

U.S. Patent	:	4,338,325
For	:	PGL <sub>2</sub> PHARMACOLOGICALLY ACCEPTABLE SALTS
Inventors	:	Roy A. Johnson, Frank H. Lincoln and John E. Pike
Assignee	:	The Upjohn Company
Issue Date	:	July 6, 1982
Expiration Date	:	July 6, 1999

- (7) A complete copy of the patent identified in paragraph (6) above is appended hereto as EXHIBIT 6.
- (8) Since U.S. Patent 4,338,325 issued prior to December 12, 1980 maintenance fees are not required pursuant to 35 U.S.C. 41(b). Moreover, no disclaimer, certificate of correction or reexamination certificate exists in respect of U.S. Patent 4,338,325.

- (9) United States Patent Number 4,338,325 claims the active ingredient in the approved product FLOLAN® Injection. Applicant hereinbelow lists each applicable patent claim and demonstrates the manner in which each applicable patent claim reads on the approved product.

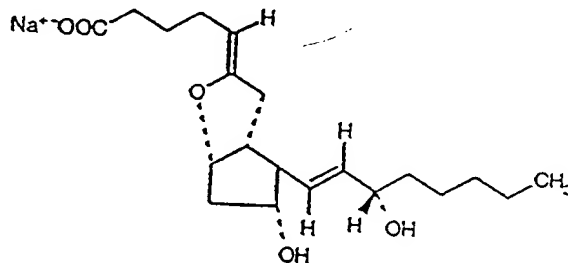
- (a) (1) Claim 1 reads as follows: "A composition of matter consisting essentially of a pharmacologically acceptable salt of a compound of formula I"



The approved product, FLOLAN® Injection, is a composition of matter consisting essentially of the sodium salt of the compound of formula I. The sodium salt is a pharmacologically acceptable salt.

The STERILE DILUENT for FLOLAN® which is required to reconstitute FLOLAN® for intravenous administration (the approved route of administration) does not materially affect the basic and novel characteristics of epoprostenol-sodium and hence is encompassed by the "consisting essentially of" language of claim 1. See EXHIBIT 5.

- (2) The structural formula provided in the Approved Package Labeling represents the sodium salt, which is a pharmacologically acceptable salt (see claim 4 of U.S. 4,338,325) of the compound as claimed in claim 1, although depicted in a slightly different manner as shown below.



(3) Applicant wishes to clarify notational differences in the structural formulas of the Approved Package Labeling versus U.S. Patent 4,338,325.

- (a) First, the structural formula as per the Approved Packaging Labeling depicts the sodium salt of epoprostenol, *i.e.*, the sodium cation ionically bonded to the carboxyl moiety at the C1 position. The structural formula as per claim 1 of U.S. Patent 4,338,325 depicts epoprostenol in acid form by depicting only the carboxylic acid moiety at the C1 position. However, the language of claim 1 clearly qualifies the structural formula contained therein as a "pharmacologically acceptable salt of a compound of formula I," thereby claiming the compound as represented by the structural formula in the Approved Package Labeling.
- (b) Second, the C5, C14, C13 and C15 hydrogen atoms (each depicted as "H") and the C20 methyl group (depicted as "CH<sub>3</sub> ") in the structural formula in the Approved Package Labeling are not depicted as such in the structural formula of claim 1 of U.S. Patent 4,338,325 because those in the art are of the understanding that said hydrogen atoms and methyl group are present despite their not being depicted as "H" and "CH<sub>3</sub>", respectively. See EXHIBIT 12.

- (b) Claim 4 reads as follows: "A composition according to claim 1 wherein said pharmacologically acceptable salt is the sodium salt."

The approved product, FLOLAN<sup>®</sup> Injection, is the sodium salt of the compound of claim 1.

- (c) Claim 5 reads as follows: "A composition according to claim 4 in a free flowing powder form."

The approved product, FLOLAN<sup>®</sup> Injection, is the composition according to claim 4 and exists in a freeze-dried form. A freeze-dried form is a free flowing powder form.

(10) The relevant dates and information pursuant to 35 U.S.C. 156(g) necessary to enable the Secretary of Health and Human Services to determine the applicable regulatory review period are as follows:

(a) Effective Date of IND

The Investigational New Drug ("IND") application for FLOLAN® Injection was filed May 30, 1979 and assigned IND number 16,459. The IND became effective 30 days thereafter on June 29, 1979.

(b) Issue Date of Patent

U.S. Patent No. 4,338,325 issued July 6, 1982 and claims a new drug.

(c) Submission Date of NDA

The NDA for FLOLAN® Injection was submitted February 28, 1994 and assigned NDA number 20-444.

(d) Approval Date of NDA

NDA 20-444 for FLOLAN® Injection was approved by the FDA on September 20, 1995.

(11) A brief description of each significant activity undertaken by Applicant during both the IND and NDA regulatory periods is presented in chronological form and is attached hereto as EXHIBIT 7, "Due Diligence Log".

- (a) The Due Diligence Log reflects significant communications between Applicant and FDA during regulatory periods. Such communications include, but are not limited to: submission of pre-clinical reports; registration of clinical protocols and amendments thereof; registration of clinical investigators and amendments thereof; submission of adverse event reports; submission of IND Annual Reports, etc.
- (b) Periods between such communications enumerated in the Due Diligence Log reflect Applicant's diligent undertaking of the necessary clinical studies and other activities required by the FDA in order to obtain approval for Applicant's product.



(12) Applicant is of the opinion that U.S. Patent 4,338,325 is eligible for a 2 year extension pursuant to 35 U.S.C. 156(g)(6)(C).

(a) Applicant has satisfied the eligibility criteria necessary to obtain a patent term extension pursuant to 35 U.S.C. 156.

(1) 35 U.S.C 156(a)

U.S. Patent 4,338,325 claims a drug product.

(2) 35 U.S.C. 156(a)(1)

The term of U.S. Patent 4,338,325 has not expired before submission of this application.

(3) 35 U.S.C. 156(a)(2)

The term of U.S. Patent 4,338,325 has never been extended.

(4) 35 U.S.C. 156(a)(3)

The application for extension is submitted by the agent of the owner of record in accordance with the requirements of 35 U.S.C. 156(d) and 37 C.F.R. 1.710 *et seq.*

(5) 35 U.S.C. 156(a)(4)

The approved product, FLOLAN<sup>®</sup> Injection, has been subject to a regulatory review period before its commercial marketing or use.

(6) 35 U.S.C. 156(a)(5)(A)

The commercial marketing or use of the approved product, FLOLAN<sup>®</sup> Injection, after the regulatory review period is the first permitted commercial marketing or use of the approved product under the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) under which such regulatory review period occurred.

(b) Applicant herewith, claims a patent term extension of 2 years for U.S. Patent 4,338,325 pursuant to 35 U.S.C. 156(g) as follows:

(1) One half of the IND regulatory review period for the approved product beginning July 6, 1982 (the IND period continuing from the date of the issuance of U.S. Patent 4,338,325) and ending on February 27, 1994 (one day prior to the date on which the NDA for the approved product was initially submitted), such sum being equal to 2123 days.

(2) The full term of the NDA regulatory review period commencing February 28, 1994 (the date NDA 20-444 for the approved product was originally submitted) and ending on September 20, 1995 (the date on which NDA 20-444 was approved), such sum being equal to 570 days. See EXHIBIT 8.

(3) The sum of paragraphs (1) and (2) in this subsection equals 2693 days. Said sum of 2693 days is limited to 2 years, since the patent for which extension is being sought issued prior to the date 35 U.S.C. 156 was enacted, September 24, 1984, and the IND in respect of the approved product was submitted prior to the date 35 U.S.C. 156 was enacted. 35 U.S.C. 156(g)(6)(C). See EXHIBIT 8.

- (c) Applicant herewith, claims an expiration date of July 6, 2001 for U.S. Patent 4,338,325 pursuant to 35 U.S.C. 156(c)(3).
- (1) The expiration of U.S. Patent 4,338,325, 17 years from the date of its issuance is July 6, 1999.
  - (2) Extending the July 6, 1999 expiration by 2 years would result in an expiration date of July 6, 2001.
  - (3) Being that expiration of U.S. Patent 4,338,325 receiving said 2 year extension is July 6, 2001, the limitation in 35 U.S.C. 156(c)(3) which requires that term extensions be reduced in order to limit the expiration date of a patent receiving term extensions to 14 years from the date of NDA approval is not reached, since 14 years from the date of NDA approval is September 20, 2009. See EXHIBIT 8.
- (13) The Applicant acknowledges a duty to disclose to the Commissioner of Patents and Trademarks and the Secretary of Health and Human Services any information which is material to any determinations to be made relative to the application for extension. In this regard, Applicant wishes to disclose the following:
- (a) In the late 1970's, an interference was declared by the USPTO between the application which led up to Moncada U.S. Patent 4,539,333 and one of the earlier applications which led up to the Upjohn (Johnson *et al.*) U.S. Patent 4,338,325.
    - (1) Both parties were contesting the priority rights related to the count which covered the inventions in both applications. However in the USPTO, it was decided that the claims present in the Moncada application to prostacyclin *per se* were to a product of nature and therefore were held unpatentable to Moncada and the interference was dissolved and patents issued to the respective parties.
    - (2) Upjohn, to the best of Applicant's knowledge, had a U.S. application in the interference with an earlier date as to the salts of epoprostenol, whereas the first UK priority application of the Moncada disclosure was limited to prostacyclin *per se*. Upjohn did not claim prostacyclin *per se* since that was not their invention.
    - (3) Subsequently, the Moncada application leading up to U.S. Patent 4,883,812 was filed for treating hypertension.
  - (b) With respect to the Johnson patent 4,338,325 cited in 4,883,812, there was no disclosure in Johnson '325 of the use of prostacyclin anion in the treatment of hypertension. Treatment of high blood pressure (hypertension) is based on the vasodilatory action of prostacyclin and its salts. (U.S. 4,883,812 Col.4, lines 24-30). At Col. 5, lines 33-35 of U.S. 4,883,812, there is disclosed liquid carriers.
  - (c) In addition to enclosing the above mentioned patents, Applicant attaches U.S. 4,335,139 which claims the formulation of the approved product. See EXHIBITS 9-11.

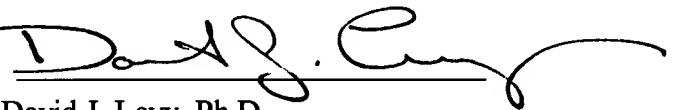
- (14) The Commissioner of Patents and Trademarks is authorized to charge deposit account 02-4857 in the amount of \$1,030.00 for receiving and acting upon this application for extension of term. In the event the actual fee differs from that specified above, it is requested that the overpayment be charged or the underpayment credited as authorized in the letter from David J. Levy, Ph.D. enclosed herewith.
- (15) Inquiries and correspondence relating to this application for patent term extension are to be directed to:

David J. Levy, Ph.D.  
Patent Counsel, Glaxo Wellcome Inc.  
ive Moore Drive  
esearch Triangle Park, NC 27709  
919) 248-7656

- (16) A duplicate of the application papers, certified as such is attached hereto.
- (17) Submitted herewith is a Declaration by David J. Levy, Ph.D., Patent Counsel for Glaxo Wellcome Inc., which meets the criteria set forth in 37 C.F.R. 1.740(b).

The undersigned hereby certifies that this Application for Extension of Patent Term Under 35 U.S.C. 156 including its EXHIBITS and supporting papers is being submitted as duplicate originals.

Respectfully submitted,  
Glaxo Wellcome Inc.

By:   
David J. Levy, Ph.D.  
Patent Counsel

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re : U.S. Patent No. 4,338,325  
Issued : July 6, 1982  
Inventors : Roy A. Johnson, Frank H. Lincoln and John E. Pike  
Assignee : The Upjohn Company  
For : PGI<sub>2</sub> PHARMACOLOGICALLY ACCEPTABLE SALTS

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Commissioner of Patent and Trademarks  
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**DECLARATION UNDER C.F.R. 1.740(b)**

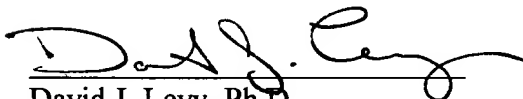
To the Commissioner of Patents and Trademarks:

I, David J. Levy, residing in Raleigh, North Carolina, declare as follows:

- (1) That I am a patent attorney authorized to practice before the United States Patent and Trademark Office and that my registration number is 27,655.
- (2) That I make this declaration as Patent Counsel for Glaxo Wellcome Inc., a corporation of the State of North Carolina and successor in interest to Burroughs Wellcome Co. by virtue of merger and name change, having a place of business at Five Moore Drive, Research Triangle Park, North Carolina 27709 and have general authority to act on its behalf in patent matters.
- (3) That Glaxo Wellcome Inc., a corporation of the State of North Carolina, by virtue of Special Power of Attorney is the agent of The Upjohn Company, a corporation of the state of Delaware, for purposes of filing an Application for Patent Term Extension for U.S. Patent 4,338,325 pursuant to 35 U.S.C. 156(d)(1).
- (4) That The Upjohn Company is the record owner and assignee of the entire interest in and to Letters Patent of the United States of America No. 4,338,325 issued July 6, 1982 (hereinafter "Patent").

- (5) That I have reviewed and understand the contents of the APPLICATION FOR EXTENSION OF PATENT TERM UNDER 35 U.S.C. 156 submitted herewith on behalf of Glaxo Wellcome Inc. requesting a 2 year extension of the term of the Patent.
- (6) That said application is being submitted in the alternative with an application for extension of U.S. Patent 4,883,812, both in respect of FLOLAN® (epoprostenol sodium) for Injection, duly electing U.S. Patent 4,883,812 to be extended and in the alternative U.S. Patent 4,338,325 pursuant to 37 C.F.R. 1.785(b).
- (7) That the aforementioned election is not intended to waive any right of appeal should said election or alternative be denied a term extension.
- (8) That I believe that the Patent is subject to extension pursuant to 37 CFR 1.710.
- (9) That I believe that a 2 year extension of the term of the Patent is justified under 35 U.S.C. 156 and applicable regulations.
- (10) That I believe the Patent meets the conditions for the extension of the term of a patent as set forth in 37 CFR 1.720.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of United States Patent 4,338,325 and any extensions thereof.



David J. Levy, Ph.D.

Reg. No. 27,655

Patent Counsel

Glaxo Wellcome Inc.

Five Moore Drive

Research Triangle Park, NC 27709

NOVEMBER 13, 1995

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re : U.S. Patent No. 4,338,325  
Issued : July 6, 1982  
Inventors : Roy A. Johnson, Frank H. Lincoln and John E. Pike  
Assignee : The Upjohn Company  
For : PGI<sub>2</sub> PHARMACOLOGICALLY ACCEPTABLE SALTS

Re: Patent Term Extension for U.S. Patent 4,338,325

Commissioner of Patents and Trademarks  
Box Patent Extension  
Washington, DC 20231

RECEIVED  
NOV 16 1995  
OFFICE OF PETITIONS  
AND OPINIONS

Sir:

Transmitted herewith is an APPLICATION FOR EXTENSION OF PATENT TERM under 35 U.S.C. 156 with regard to U.S. Patent No. 4,338,325.

The Commissioner is hereby authorized to charge Deposit Account No. 02-4857 in the amount of \$1,030.00 to cover the application fee. The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit overpayment to Account No. 02-4857. Triplicate copies of this letter are enclosed.

**CERTIFICATION UNDER 37 CFR 1.10**

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I hereby certify that this Application for Patent term Extension and the documents referred to therein are being deposited with the United States Postal Service on this date \_\_\_\_\_, 1995 in an envelope as "Express Mail Post Office to Addressee," Mailing Label Number \_\_\_\_\_ addressed to the: Commissioner of Patents and Trademarks Washington, D.C. 20231.

\_\_\_\_\_  
(Type or print name of person mailing paper)

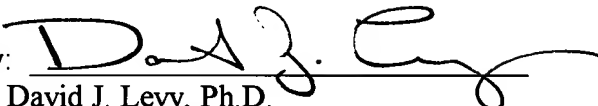
\_\_\_\_\_  
(Signature of person mailing paper)

Please address all communications relating to the enclosed APPLICATION FOR EXTENSION  
OF PATENT TERM to:

David J. Levy, Ph.D.  
Patent Counsel  
Glaxo Wellcome Inc.  
Intellectual Property Department  
Five Moore Drive  
Research Triangle Park, NC 27709

Telephone No. (919) 248-7656

Respectfully submitted,  
Glaxo Wellcome Inc.

By:   
David J. Levy, Ph.D.  
Reg. No. 27,655  
Patent Counsel

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**EXHIBIT 1**

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Special Power of Attorney



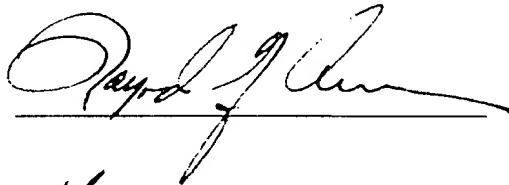
## SPECIAL POWER OF ATTORNEY

Know All Men By These Presents, that The Upjohn Company organized under the laws of Delaware and having its principal place of business at 7000 Portage Road, Kalamazoo, Michigan 49001 does hereby make, constitute and appoint Burroughs Wellcome Co., its successors and assigns and Glaxo Wellcome Inc. organized under the laws of North Carolina, having their principal place of business at 5 Moore Drive, Research Triangle Park, North Carolina 27709 as its special, true and lawful agents and attorneys for the limited purpose of preparing and filing with the U.S. Patent and Trademark Office a Patent Term Extension Application pursuant to 35 U.S.C. 156 in respect of U.S. Patent No. 4,338,325 which Patent is owned by The Upjohn Company, and prosecuting said Application; and to do and perform each and every act in connection with the above stated purpose which Burroughs Wellcome Co., its successors and assigns and Glaxo Wellcome Inc. deem necessary or desirable.

IN WITNESS WHEREOF, The Upjohn Company has caused its corporate name to be subscribed hereto by its Vice President and its corporate seal to be affixed hereto by its Assistant Secretary, all as of this 9th day of November, 1995.

THE UPJOHN COMPANY

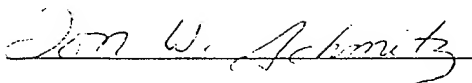
By:



Vice President

[Corporate Seal]

Attest:



Asst Secretary

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**EXHIBIT 2**

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CERTIFICATE OF MERGER  
&  
CERTIFICATE OF CHANGE OF NAME

# STATE OF NORTH CAROLINA



Department of The  
Secretary of State

To all whom these presents shall come, Greetings:

I, Rufus L. Edmisten, *Secretary of State of the State of North Carolina*, do hereby certify the following and hereto attached to be a true copy of

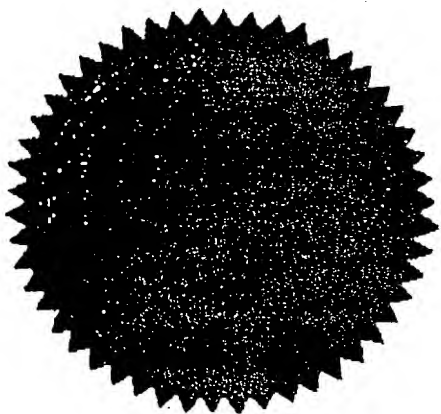
## ARTICLES OF AMENDMENT

OF

BURROUGHS WELLCOME CO.  
name changed to:  
GLAXO WELLCOME INC.

*the original of which was filed in this office on the 30th day of October, 1995.*

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 30th day of October, 1995.



*Rufus L. Edmisten*

Secretary of State

# STATE OF NORTH CAROLINA



Department of The  
Secretary of State

To all whom these presents shall come, Greetings:

I, Rufus L. Edmisten, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF MERGER

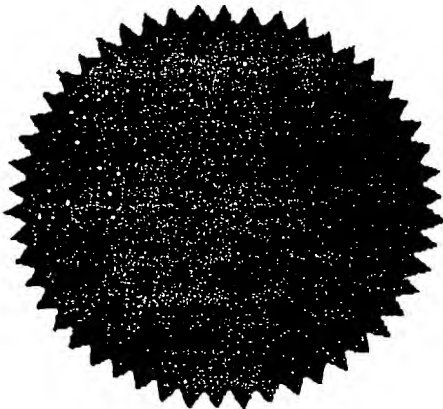
OF  
GLAXO WELLCOME INC.  
a North Carolina Corporation

INTO

BURROUGHS WELLCOME CO.  
a North Carolina Corporation

the original of which was filed in this office on the 30th day of October, 1995.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 30th day of October, 1995.



*Rufus L. Edmisten*

Secretary of State

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**EXHIBIT 3**

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ASSIGNMENT OF U.S. PATENT 4,338,325

ASSIGNMENT

WHEREAS, we, Roy A. Johnson, Frank H. Lincoln, and John E. Pike, residing at 2122 Frederick Avenue, Kalamazoo, Michigan, 5235 Ridgebrook Drive, Portage, Michigan, and 2312 Lorraine Avenue, Kalamazoo, Michigan, respectively, have jointly invented certain new and useful improvements in PGI<sub>2</sub> Pharmacologically Acceptable Salts (Attorney Docket No.: 3427A-R) for which an application for United States Letters Patent was signed by us on even date herewith; and

WHEREAS, THE UPJOHN COMPANY, a corporation of the State of Delaware, having a place of business at Kalamazoo, Michigan, is desirous of acquiring the entire right, title, and interest in and to said invention and in and to any Letters Patent which may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in view of valuable consideration, receipt whereof is hereby acknowledged, we, Roy A. Johnson, Frank H. Lincoln, and John E. Pike, have sold, assigned, and transferred, and by these presents do sell, assign, and transfer, unto said THE UPJOHN COMPANY, its successors and assigns, the full and exclusive right to the said invention in the United States and its territorial possessions and in all foreign countries and the entire right, title, and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, reissues, continuations, and extensions thereof.

We hereby authorize and request the Patent Office Officials in the United States and in any and all foreign countries to issue any and all of said Letters Patent, when granted, to said THE UPJOHN COMPANY, as the assignee of our entire right, title, and interest in and to the same, for the sole use and behoof of said THE UPJOHN COMPANY, its successors and assigns.

FURTHER, we agree that we will communicate to said THE UPJOHN COMPANY, or its representatives, any facts known to us respecting said invention; testify in any legal proceeding; sign all lawful papers; execute all divisional, continuation, substitution, renewal, and reissue applications; execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to said THE UPJOHN COMPANY; make all rightful oaths; and generally do everything possible to aid said THE UPJOHN COMPANY, its successors and assigns, to obtain and enforce proper protection for said invention in the United States and in any and all foreign countries.

IN TESTIMONY WHEREOF, we have hereunto set our hands this 23rd day of October, 1980.

Signed:

Roy A. Johnson  
Roy A. Johnson

Signed:

Frank H. Lincoln 3967 601  
Frank H. Lincoln

Signed:

John E. Pike  
John E. Pike

STATE OF MICHIGAN :  
COUNTY OF KALAMAZOO : ss.

On this 23rd day of October, 1980, personally appeared before me the above-named Roy A. Johnson to me known and known to me to be the person described in the foregoing instrument, who executed the foregoing instrument and acknowledged the same to be his free act and deed in and for the purposes set forth in said instrument.

SEAL \_\_\_\_\_

Kenneth L. McQuil  
Notary Public

STATE OF MICHIGAN :  
COUNTY OF KALAMAZOO : ss.

On this 23rd day of October, 1980, personally appeared before me the above-named Frank H. Lincoln, to me known and known to me to be the person described in the foregoing instrument, who executed the foregoing instrument and acknowledged the same to be his free act and deed in and for the purposes set forth in said instrument.

SEAL \_\_\_\_\_

Kenneth L. McQuil  
Notary Public

STATE OF MICHIGAN :  
COUNTY OF KALAMAZOO : ss.

On this 23rd day of October, 1980, personally appeared before me the above-named John E. Pike, to me known and known to me to be the person described in the foregoing instrument, who executed the foregoing instrument and acknowledged the same to be his free act and deed in and for the purposes set forth in said instrument.

SEAL \_\_\_\_\_

Kenneth L. McQuil  
Notary Public

My Commission Expires: March 3, 1984 ~~REC-3967~~ ~~FRAN-602~~

RECORDED  
PATENT & TRADEMARK OFFICE

APR 16 1982

James M. Moringhoff  
COMMISSIONER OF PATENTS  
AND TRADEMARK

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## **EXHIBIT 4**

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FDA APPROVAL LETTER FOR  
FLOLAN® (epoprostenol sodium) for Injection

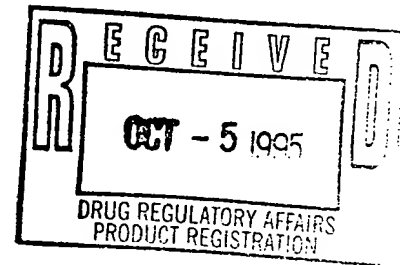


Food and Drug Administration  
Rockville MD 20857

NDA 20-444

SEP 20 1995

Buřroughs Wellcome Company  
Attention: Michael J. Dalton, Pharm.D.  
3030 Cornwallis Road  
Research Triangle Park, North Carolina 27709



Dear Dr. Dalton:

Please refer to your February 28, 1994 new drug application submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act for Flolan (epoprostenol sodium) for Injection.

We acknowledge receipt of your amendments dated April 28, May 22, June 6 and 9, and July 24, 1995.

This new drug application provides for the long-term intravenous treatment of primary pulmonary hypertension in NYHA Class III and Class IV adult patients.

We have completed the review of this application including the submitted draft labeling and have concluded that adequate information has been presented to demonstrate that the drug product is safe and effective for use as recommended in the enclosed marked-up draft labeling. Accordingly, the application is approved effective on the date of this letter.

The final printed labeling (FPL) must be identical to the enclosed marked-up draft labeling. Marketing the product with FPL that is not identical to this draft labeling may render the product misbranded and an unapproved new drug.

Please submit sixteen copies of the FPL as soon as it is available, in no case more than 30 days after it is printed. Please individually mount ten of the copies on heavy weight paper or similar material. For administrative purposes this submission should be designated "FINAL PRINTED LABELING" for approved NDA 20-444. Approval of this labeling by FDA is not required before it is used.

Should additional information relating to the safety and effectiveness of the drug become available, revision of that labeling may be required.

We remind you of your Phase 4 commitments that, along with completion dates, are listed below:

1. The commitments agreed to in the April 27, 1995 telephone conversation between representatives of your firm and this Agency, and detailed in an Agency letter dated April 28, 1995 to submit to FDA additional information concerning the sterilization process.
2. The commitments agreed to in your April 10, 1995 submission, and confirmed in an Agency letter dated April 28, 1995, to submit to FDA, within 6 months of approval of the NDA, additional information regarding chemistry, manufacturing, and controls.

Protocols, data, and final reports should be submitted to your IND for this product and a copy of the cover letter sent to this NDA. Should an IND not be required to meet your Phase 4 commitments, please submit protocol, data, and final reports to this NDA as correspondences. For administrative purposes, all submissions, including labeling supplements, relating to these Phase 4 commitments must be clearly designated "Phase 4 Commitments."

In addition, please submit three copies of the introductory promotional material that you propose to use for this product. All proposed materials should be submitted in draft or mock-up form, not final print. Please submit one copy to the Division of Gastrointestinal and Coagulation Drug Products and two copies of both the promotional material and the package insert directly to:

Food and Drug Administration  
Division of Drug Marketing, Advertising and  
Communications, HFD-240  
5600 Fishers Lane  
Rockville, Maryland 20857

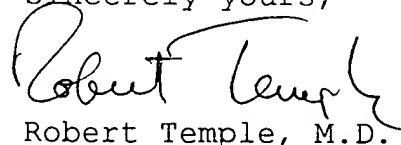
Validation of the regulatory methods has not been completed. At the present time, it is the policy of the Center not to withhold approval because the methods are being validated. Nevertheless, we expect your continued cooperation to resolve any problems that may be identified.

We remind you that you must comply with the requirements for an approved NDA set forth under 21 CFR 314.80 and 314.81.

If you have any questions, please contact:

Karen Oliver  
Consumer Safety Officer  
(301) 443-0487

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Robert Temple".

Robert Temple, M.D.  
Director  
Office of Drug Evaluation 1  
Center for Drug Evaluation and  
Research

ENCLOSURE

---

## **EXHIBIT 5**

---

APPROVED PACKAGE INSERT FOR  
FLOLAN® (epoprostenol sodium) for Injection  
NDA 20-444

1   **PACKAGE INSERT**

2   **FLOLAN® (epoprostenol sodium) for Injection**

3   **DESCRIPTION:** FLOLAN (epoprostenol sodium) for

4   Injection is a sterile sodium salt formulated for

5   intravenous administration. Each vial of FLOLAN

6   contains epoprostenol sodium equivalent to either

7   0.5 mg (500,000 ng) or 1.5 mg (1,500,000 ng)

8   epoprostenol, 3.76 mg glycine, 2.93 mg sodium

9   chloride, and 50 mg mannitol. Sodium hydroxide

10   may have been added to adjust pH.

11   Epoprostenol (PGI<sub>2</sub>, PGX, prostacyclin), a metabolite

12   of arachidonic acid, is a naturally occurring

13   prostaglandin with potent vasodilatory activity and

14   inhibitory activity of platelet aggregation.

15   Epoprostenol is (5Z,9,11,13E,15S)-6,9-epoxy-11,15-

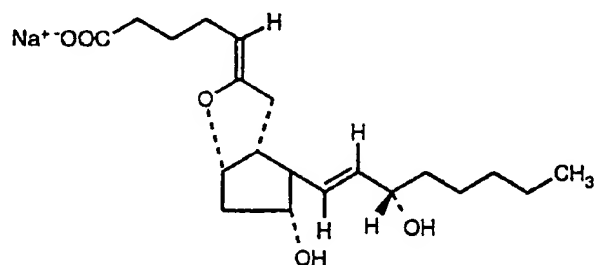
16   dihydroxyprosta-5,13-dien-1-oic acid.

17   Epoprostenol sodium has a molecular weight of

18   374.45 and a molecular formula of C<sub>20</sub>H<sub>31</sub>NaO<sub>5</sub>. The

19   structural formula is:

20



21  
 22 FLOLAN is a white to off-white powder that must be  
 23 reconstituted with STERILE DILUENT for FLOLAN.  
 24 STERILE DILUENT for FLOLAN is supplied in 50 mL  
 25 glass vials containing 94 mg glycine, 73.5 mg sodium  
 26 chloride, sodium hydroxide (added to adjust pH), and  
 27 Water for Injection, USP.

28 The reconstituted solution of FLOLAN has a pH of  
 29 10.2 to 10.8 and is increasingly unstable at a lower  
 30 pH.

### 31 **CLINICAL PHARMACOLOGY:**

32 **General:** Epoprostenol has two major  
 33 pharmacological actions: (1) direct vasodilation of  
 34 pulmonary and systemic arterial vascular beds, and  
 35 (2) inhibition of platelet aggregation. In animals, the  
 36 vasodilatory effects reduce right and left ventricular  
 37 afterload and increase cardiac output and stroke  
 38 volume. The effect of epoprostenol on heart rate in  
 39 animals varies with dose. At low doses, there is

40 vagally mediated bradycardia, but at higher doses,  
41 epoprostenol causes reflex tachycardia in response  
42 to direct vasodilation and hypotension. No major  
43 effects on cardiac conduction have been observed.  
44 Additional pharmacologic effects of epoprostenol in  
45 animals include bronchodilation, inhibition of gastric  
46 acid secretion, and decreased gastric emptying.

47 **Pharmacokinetics:** Epoprostenol is rapidly  
48 hydrolyzed at neutral pH in blood and is also subject  
49 to enzymatic degradation. Animal studies using  
50 tritium-labelled epoprostenol have indicated a high  
51 clearance (93 mL/min/kg), small volume of  
52 distribution (357 mL/kg), and a short half-life  
53 (2.7 minutes). During infusions in animals, steady-  
54 state plasma concentrations of tritium-labelled  
55 epoprostenol were reached within 15 minutes and  
56 were proportional to infusion rates.

57 No available chemical assay is sufficiently sensitive  
58 and specific to assess the in vivo human  
59 pharmacokinetics of epoprostenol. The in vitro half-  
60 life of epoprostenol in human blood at 37°C and pH  
61 7.4 is approximately 6 minutes; the in vivo half-life of  
62 epoprostenol in man is therefore expected to be no  
63 greater than 6 minutes. The in vitro pharmacologic

64 half-life of epoprostenol in human plasma, based on  
65 inhibition of platelet aggregation, was similar for  
66 males (n = 954) and females (n = 1024).

67 Tritium-labelled epoprostenol has been administered  
68 to humans in order to identify the metabolic products  
69 of epoprostenol. Epoprostenol is metabolized to two  
70 primary metabolites: 6-keto-PGF<sub>1α</sub> (formed by  
71 spontaneous degradation) and 6,15-diketo-13,14-  
72 dihydro-PGF<sub>1α</sub> (enzymatically formed), both of which  
73 have pharmacological activity orders of magnitude  
74 less than epoprostenol in animal test systems. The  
75 recovery of radioactivity in urine and feces over a  
76 one-week period was 82% and 4% of the  
77 administered dose, respectively. Fourteen additional  
78 minor metabolites have been isolated from urine,  
79 indicating that epoprostenol is extensively  
80 metabolized in man.

81 Clinical Trials:

DELETE and REPLACE with:  
CLINICAL TRIALS: IN PRIMARY  
PULMONARY HYPERTENSION (PPH)

82

83 **Hemodynamic Effects:** Acute intravenous infusions

84 of FLOLAN for up to 15 minutes in patients with

85 secondary and primary pulmonary hypertension

86 (PPH) produce dose-related increases in cardiac

87 index (CI) and stroke volume (SV), and dose-related

CORRECT TYPOGRAPHICAL ERROR:  
(Insert space between run-on  
words).



88 decreases in pulmonary vascular resistance (PVR),  
89 total pulmonary resistance (TPR), and mean  
90 systemic arterial pressure (SAPm). The effects of  
91 FLOLAN on mean pulmonary artery pressure  
92 (PAPm) in patients with PPH were variable and  
93 minor.

94 Chronic continuous infusions of FLOLAN in patients  
95 with PPH were studied in two prospective, open,  
96 randomized trials of 8 and 12 weeks duration  
97 comparing FLOLAN plus standard therapy to  
98 standard therapy alone. Dosage of FLOLAN was  
99 determined as described in DOSAGE AND  
100 ADMINISTRATION and averaged 9.2 ng/kg/min at  
101 the end of the 12-week trial. Standard therapy varied  
102 among patients and included some or all of the  
103 following: anticoagulants in essentially all patients;  
104 oral vasodilators, diuretics, and digoxin in one-half to  
105 two-thirds of patients; and supplemental oxygen in  
106 about half the patients. Except for two New York  
107 Heart Association (NYHA) functional Class II patients,  
108 all patients were either functional Class III or Class IV.  
109 As results were similar in the two studies, the pooled  
110 results are described. Chronic hemodynamic effects  
111 were generally similar to acute effects CI, SV, and  
112 arterial oxygen saturation were increased, and PAPm,  
113 right atrial pressure (RAP), TPR, and systemic  
114 vascular resistance (SVR) were decreased in patients  
115 who received FLOLAN chronically compared to those  
116 who did not. Table 1 illustrates the treatment-related  
117 hemodynamic changes in these patients after 8 or  
118 12 weeks of treatment.

DELETE and REPLACE with:  
at study end.

INSERT:  
. (period at end of  
sentence).

119

120

Table 1

121

## Hemodynamics During Chronic Administration of FLOLAN

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Hemodynamic Parameter	Baseline		Mean change from baseline at end of treatment period	
	FLOLAN (n = 52)	Standard Therapy (n = 54)	FLOLAN (n = 48)	Standard Therapy (n = 41)
CI (L/min/m <sup>2</sup> )	2.0	2.0	0.3"	-0.1
PAPm (mm Hg)	60	60	-5"	1
PVR (Wood U)	16	17	-4"	1
SAPm (mm Hg)	89	91	-4	-3
SV (mL/beat)	44	43	6"	-1
TPR (Wood U)	20	21	-5"	1

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134 \* At 8 weeks: FLOLAN n = 10; Standard Therapy n = 11.

135 At 12 weeks: FLOLAN n = 38; Standard Therapy n = 30.

136 "Denotes statistically significant change between FLOLAN and Standard Therapy groups.

137

138

CI = cardiac index; PAPm = mean pulmonary arterial pressure; PVR = pulmonary vascular resistance; SAPm = mean systemic arterial pressure; SV = stroke volume; TPR = total pulmonary resistance.

139 These hemodynamic improvements appeared to

140 persist when FLOLAN was administered for at least

141 36 months in an open, non-randomized study.

142 **Clinical Effects:** Exercise capacity, as measured by

143 the 6-minute walk test, improved significantly in

144 patients receiving continuous intravenous FLOLAN

145 plus standard therapy for 8 or 12 weeks compared to

146 those receiving standard therapy alone.

147 Improvements were apparent as early as the first

148 week of therapy, and in long-term follow-up appeared

DELETE

149 to be maintained beyond 2 years. Increases in

150 exercise capacity were accompanied by significant  
151 improvement in dyspnea and fatigue, as measured by  
152 the Congestive Heart Failure Questionnaire and the  
153 Dyspnea Fatigue Index.

154 Survival was improved in NYHA functional Class III  
155 and Class IV PPH patients treated with FLOLAN for  
156 12 weeks in a multicenter, open, randomized, parallel  
157 study. At the end of the treatment period, 8 of  
158 40 patients receiving standard therapy alone died,  
159 whereas none of the 41 patients receiving FLOLAN  
160 died ( $P = 0.003$ ).

161

162 **INDICATIONS AND USAGE:** FLOLAN is indicated <sup>INSERT:</sup>  
163 for the long-term intravenous treatment of primary ~~in adults~~  
164 pulmonary hypertension in NYHA Class III and  
165 Class IV patients (see CLINICAL PHARMACOLOGY:  
166 Clinical Trials).

167 **CONTRAINDICATIONS:** A large study evaluating  
168 the effect of FLOLAN on survival in NYHA Class III  
169 and IV patients with CHF due to severe left ventricular  
170 systolic dysfunction was terminated after an interim  
171 analysis of 471 patients revealed a higher mortality in  
172 patients receiving FLOLAN plus standard therapy  
173 than in those receiving standard therapy alone. The

174 chronic use of FLOLAN in patients with CHF due to  
175 severe left ventricular systolic dysfunction is therefore  
176 contraindicated

177 FLOLAN is also contraindicated in patients with  
178 known hypersensitivity to the drug or to structurally-  
179 related compounds.

180 **WARNINGS: FLOLAN must be reconstituted only**  
181 **as directed using STERILE DILUENT for FLOLAN.**  
182 **FLOLAN must not be reconstituted or mixed with**  
183 **any other parenteral medications or solutions**  
184 **prior to or during administration.**

185 **Abrupt Withdrawal:** Abrupt withdrawal (including  
186 interruptions in drug delivery) or sudden large  
187 reductions in dosage of FLOLAN may result in  
188 symptoms associated with rebound pulmonary  
189 hypertension, including dyspnea, dizziness, and  
190 asthenia. In clinical trials, one Class III PPH patient's  
191 death was judged attributable to the interruption of  
192 FLOLAN. Abrupt withdrawal should be avoided.

193 **Pulmonary Edema:** Some patients with primary  
194 pulmonary hypertension have developed pulmonary  
195 edema during dose ranging, which may be

196 associated with pulmonary veno-occlusive disease.  
197 FLOLAN should not be used chronically in patients  
198 who develop pulmonary edema during dose ranging.

199 **Sepsis:** See ADVERSE REACTIONS: Adverse  
200 Events Attributable to the Drug Delivery System.

201 **PRECAUTIONS:**

202 **General:** FLOLAN should be used only by clinicians  
203 experienced in the diagnosis and treatment of PPH.  
204 The diagnosis of PPH should be carefully established  
205 by standard clinical tests to exclude secondary  
206 causes of pulmonary hypertension.

207 FLOLAN is a potent pulmonary and systemic  
208 vasodilator. Dose ranging with FLOLAN must be  
209 performed in a setting with adequate personnel and  
210 equipment for physiologic monitoring and emergency  
211 care. Although dose ranging in clinical trials was  
212 performed during right heart catheterization  
213 employing a pulmonary artery catheter, the risk of  
214 cardiac catheterization in patients with PPH should be  
215 carefully weighed against the potential benefits.

216 During acute dose ranging, asymptomatic increases  
217 in pulmonary artery pressure coincident with  
218 increases in cardiac output occurred rarely. In such  
219 cases, dose reduction should be considered, but

DELETE and REPLACE with:

Although dose ranging in clinical trials was performed during right heart catheterization employing a pulmonary artery catheter, in uncontrolled studies utilizing Flolan, the risk of cardiac catheterization in patients with PPH should be carefully weighed against the potential benefits.

220 such an increase does not imply that chronic

221 treatment is contraindicated.

222 During chronic use, FLOLAN is delivered

223 continuously on an ambulatory basis through a

224 permanent indwelling central venous catheter.

225 Unless contraindicated, anticoagulant therapy should

226 be administered to PPH patients receiving FLOLAN to

227 reduce the risk of pulmonary thromboembolism or

228 systemic embolism through a patent foramen ovale.

229 In order to reduce the risk of infection, aseptic

230 technique must be used in the reconstitution and

231 administration of FLOLAN as well as in routine

232 catheter care. Because FLOLAN is metabolized

233 rapidly, even brief interruptions in the delivery of

234 FLOLAN may result in symptoms associated with

235 rebound pulmonary hypertension including dyspnea,

236 dizziness, and asthenia. The decision to initiate

237 therapy with FLOLAN should be based upon the

238 understanding that there is a high likelihood that

239 intravenous therapy with FLOLAN will be needed for

240 prolonged periods, possibly years, and the patient's

241 ability to accept and care for a permanent

242 intravenous catheter and infusion pump should be

243 carefully considered.

244 Based on clinical trials, the acute hemodynamic

245 response to FLOLAN did not correlate well with  
246 improvement in exercise tolerance or survival during  
247 chronic use of FLOLAN. Dosage of FLOLAN during  
248 chronic use should be adjusted at the first sign of  
249 recurrence or worsening of symptoms attributable to  
250 PPH or the occurrence of adverse events associated  
251 with FLOLAN (see DOSAGE AND  
252 ADMINISTRATION). Following dosage adjustments,  
253 standing and supine blood pressure and heart rate  
254 should be monitored closely for several hours.

255 **Information for Patients:** Patients receiving  
256 FLOLAN should receive the following information:  
257 **FLOLAN must be reconstituted only with STERILE**  
258 **DILUENT for FLOLAN.** FLOLAN is infused  
259 continuously through a permanent indwelling central  
260 venous catheter via a small, portable infusion pump.  
261 Thus, therapy with FLOLAN requires commitment by  
262 the patient to drug reconstitution, drug administration,  
263 and care of the permanent central venous catheter.  
264 Sterile technique must be adhered to in preparing the  
265 drug and in the care of the catheter, and even brief  
266 interruptions in the delivery of FLOLAN may result in  
267 rapid symptomatic deterioration. The decision to  
268 receive FLOLAN for PPH should be based upon the  
269 understanding that there is a high likelihood that



270 therapy with FLOLAN will be needed for prolonged  
271 periods, possibly years, and the patient's ability to  
272 accept and care for a permanent intravenous  
273 catheter and infusion pump should be carefully  
274 considered.

275 **Drug Interactions:** Additional reductions in blood  
276 pressure may occur when FLOLAN is administered  
277 with diuretics, antihypertensive agents, or other  
278 vasodilators. When other anti-platelet agents or  
279 anticoagulants are used concomitantly, there is the  
280 potential for FLOLAN to increase the risk of bleeding.  
281 However, patients receiving FLOLAN infusions in  
282 clinical trials were maintained on anticoagulants  
283 without evidence of increased bleeding. In clinical  
284 trials, FLOLAN was used with digoxin, diuretics,  
285 anticoagulants, oral vasodilators, and supplemental  
286 oxygen.

287 **Carcinogenesis, Mutagenesis, Impairment of**  
288 **Fertility:** Long-term studies in animals have not  
289 been performed to evaluate carcinogenic potential. A  
290 micronucleus test in rats revealed no evidence of  
291 mutagenicity. The Ames test and DNA elution tests  
292 were also negative, although the instability of  
293 epoprostenol makes the significance of these tests  
294 uncertain. Fertility was not impaired in rats given

295 FLOLAN by subcutaneous injection at doses up to

296 100 µg/kg/day, [600 g/m<sup>2</sup>/day, 2.5 times the

INSERT:

µ

297 recommended human dose (4.6 ng/kg/min or 245.1

298 g/m<sup>2</sup>/day, i.v.) based on body surface area].

INSERT:

µ

299 **Pregnancy:** Pregnancy Category B. Reproductive

300 studies have been performed in pregnant rats and

301 rabbits at doses up to 100 g/kg/day (600 g/m<sup>2</sup>/day in

INSERT:

µ

302 rats, 2.5 times the recommended human dose, and

303 1180 g/m<sup>2</sup>/day in rabbits, 4.8 times the

INSERT:

µ

304 recommended human dose based on body surface

305 area) and have revealed no evidence of impaired

306 fertility or harm to the fetus due to FLOLAN. There

307 are, however, no adequate and well-controlled

308 studies in pregnant women. Because animal

309 reproduction studies are not always predictive of

310 human response, this drug should be used during

311 pregnancy only if clearly needed.

312 **Labor and Delivery:** The use of FLOLAN during

313 labor, vaginal delivery, or caesarean section has not

314 been adequately studied in humans.

315 **Nursing Mothers:** It is not known whether this drug

316 is excreted in human milk. Because many drugs are

317 excreted in human milk, caution should be exercised

318 when FLOLAN is administered to a nursing woman.

319 **Pediatric Use:** No adequate and well-controlled  
320 studies have been performed in pediatric patients.  
321 However, sixty-three pediatric patients less than  
322 16 years of age with pulmonary hypertension have  
323 received FLOLAN during acute dose ranging. The  
324 mean maximum dose in patients less than 16 years  
325 of age was significantly greater than the mean  
326 maximum dose in adults during acute dose ranging  
327 (25 ng/kg/min and 8.6 ng/kg/min, respectively). A  
328 limited number of pediatric patients less than  
329 16 years of age (n=5) with PPH in NYHA functional  
330 Class III or Class IV have received FLOLAN  
331 chronically in controlled clinical trials. In contrast to  
332 acute dose ranging, mean chronic infusion rates were  
333 only slightly higher for pediatric patients than for  
334 adults, this difference did not reach statistical  
335 significance. There were no important differences in  
336 the adverse event profiles between adult and  
337 pediatric patients.

DELETE and replace  
with  
Pediatric Use: Safety and  
effectiveness in pediatric  
patients have not been  
established.

338 **Geriatric Use:** Clinical studies of FLOLAN did not  
339 include sufficient numbers of patients aged 65 and  
340 over to determine whether they respond differently  
341 from younger patients. In general, dose selection for  
342 an elderly patient should be cautious, reflecting the  
343 greater frequency of decreased hepatic, renal, or

344 cardiac function and of concomitant disease or other  
345 drug therapy.

346 **ADVERSE REACTIONS:** During clinical trials,  
347 adverse events were classified as follows:  
348 (1) adverse events during acute dose ranging,  
349 (2) adverse events during chronic dosing, and  
350 (3) adverse events associated with the drug delivery  
351 system.

352 **Adverse Events During Acute Dose Ranging:**

353 During acute dose ranging, FLOLAN was  
354 administered in 2 ng/kg/min increments until the  
355 patients developed symptomatic intolerance. The  
356 most common adverse events and the adverse  
357 events that limited further increases in dose were  
358 generally related to the major pharmacologic effect  
359 of FLOLAN, vasodilation. The most common dose-  
360 limiting adverse events were nausea and vomiting,  
361 headache, hypotension, chest pain, dizziness, and  
362 bradycardia. Table 2 lists the adverse events  
363 reported during acute dose ranging in decreasing  
364 order of frequency.

365

**Table 2**

366

**Adverse Events During Acute Dose Ranging**

367

368

Adverse Events Occurring in $\geq 1\%$ of Patients	FLOLAN (% of patients) (n = 391)
Flushing	58
Headache	49
Nausea/Vomiting	32
Hypotension	16
Anxiety, nervousness, agitation	11
Chest pain	11
Dizziness	8
Bradycardia	5
Abdominal pain	5
Musculoskeletal pain	3
Dyspnea	2
Back pain	2
Sweating	1
Dyspepsia	1
Hypesthesia/Paresthesia	1
Tachycardia	1

385

**Adverse Events During Chronic Administration:**

387 Interpretation of adverse events is complicated by the

388 clinical features of PPH, which are similar to some of

389 the pharmacologic effects of FLOLAN (e.g.,

390 dizziness, syncope). Adverse events probably related

391 to the underlying disease include dyspnea, fatigue,

392 chest pain, right ventricular failure, and pallor.

393 Several adverse events, on the other hand, can

394 clearly be attributed to FLOLAN. These include

395 headache, jaw pain, flushing, diarrhea, nausea and

396 vomiting, flu-like symptoms, and anxiety/nervousness.

397 In an effort to separate the adverse effects of the

398 drug from the adverse effects of the underlying

399 disease, table 3 lists adverse events that occurred at  
 400 a rate at least 10% different in the two groups in  
 401 controlled trials.

402 **Table 3**

403 **Adverse Events Regardless of Attribution Occurring with 10% Difference Between**  
 404 **FLOLAN and Standard Therapy Alone**

INSERT:  
 ≥

Adverse Event	FLOLAN (% of patients) (n = 52)	Standard therapy (% of patients) (n = 54)
<b>Occurrence More Common with FLOLAN</b>		
<b>GENERAL</b>		
Chills/Fever/Sepsis/Flu-like symptoms	25	11
<b>CARDIOVASCULAR</b>		
Tachycardia	35	24
Flushing	42	2
<b>GASTROINTESTINAL</b>		
Diarrhea	37	6
Nausea/Vomiting	67	48
<b>MUSCULOSKELETAL</b>		
Jaw Pain	54	0
Myalgia	44	31
Non-specific musculoskeletal pain	35	15
<b>NEUROLOGICAL</b>		
Anxiety/nervousness/tremor	21	9
Dizziness	83	70
Headache	83	33
Hypesthesia, Hyperesthesia, Paresthesia	12	2
<b>Occurrence More Common With Standard Therapy</b>		
<b>CARDIOVASCULAR</b>		
Heart failure	31	52
Syncope	13	24
Shock	0	13
<b>RESPIRATORY</b>		
Hypoxia	25	37

434 Thrombocytopenia has been reported during uncontrolled clinical trials in patients receiving FLOLAN.

435 Table 4 lists additional adverse events reported in PPH patients receiving FLOLAN plus standard

therapy or standard therapy alone during controlled clinical trials.

437

438

Table 4

439

Adverse Events Regardless of Attribution Occurring with <10% Difference Between FLOLAN  
and Standard Therapy Alone

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GENERAL		
Asthenia	87 →	← 81
CARDIOVASCULAR		
Angina Pectoris	19	20
Arrhythmia	27	20
Bradycardia	15	9
Supraventricular tachycardia	8	0
Pallor	21	30
Cyanosis	31	39
Palpitation	63	61
Cerebrovascular accident	4	0
Hemorrhage	19	11
Hypotension	27	31
Myocardial ischemia	2	6
GASTROINTESTINAL		
Abdominal pain	27 →	← 31
Anorexia	25	30
Ascites	12 →	← 17
Constipation	6	2
METABOLIC		
Edema	60	63
Hypokalemia	6	4
Weight reduction	27	24
Weight gain	6	4
MUSCULOSKELETAL		
Arthralgia	6	0
Bone pain	0	4
Chest pain	67	65
NEUROLOGICAL		
Confusion	6	11
Convulsion	4	0
Depression	37	44
Insomnia	4	4
RESPIRATORY		
Cough increase	38	46
Dyspnea	90	85
Epistaxis	4	2
Pleural effusion	4	2
DERMATOLOGIC		
Pruritus	4	0
Rash	10	13



485	Sweating	15	20
486	SPECIAL SENSES		
487	Amblyopia	8	4
488	Vision abnormality	4	0

489 **Adverse Events Attributable to the Drug Delivery**

490 **System:** Chronic infusions of FLOLAN are delivered

491 using a small, portable infusion pump through an

492 indwelling central venous catheter. During controlled

493 trials of up to 12 weeks duration, 21% of patients

494 reported a local infection and 13% of patients

495 reported pain at the injection site. During long-term

496 follow-up, sepsis was reported at least once in 14%

497 of patients and occurred at a rate of 0.32 infections

498 per patient per year in patients treated with FLOLAN.

499 This rate was higher than reported in patients using

500 chronic indwelling central venous catheters to

501 administer parenteral nutrition, but lower than

502 reported in oncology patients using these catheters.

503 Malfunctions in the delivery system resulting in an

504 inadvertent bolus of or a reduction in FLOLAN were

505 associated with symptoms related to excess or

506 insufficient FLOLAN, respectively (see ADVERSE

507 REACTIONS: Adverse Events During Chronic

508 Administration and OVERDOSAGE).

509 **OVERDOSAGE:** Signs and symptoms of excessive

510 doses of FLOLAN during clinical trials are the

511 expected dose-limiting pharmacologic effects of

If the words "and OVERDOSAGE" are to be retained, the events described in the second paragraph of the OVERDOSAGE section should include its relationship to the delivery system.

512 FLOLAN, including flushing, headache, hypotension,  
513 tachycardia, nausea, vomiting, and diarrhea.  
514 Treatment will ordinarily require dose reduction of  
515 FLOLAN.

516 One patient with secondary pulmonary hypertension  
517 accidentally received 50 mL of an unspecified  
518 concentration of FLOLAN. The patient vomited and  
519 became unconscious with an initially unrecordable  
520 blood pressure. FLOLAN was discontinued and the  
521 patient regained consciousness within seconds. No  
522 fatal events have been reported following overdosage  
523 of FLOLAN.

524 ~~Single intravenous doses of FLOLAN at 10 and~~  
525 ~~50 mg/kg, 2.5 million times a human dose of 20 g/kg~~  
526 ~~for 15 minutes on a g/m<sup>2</sup> basis, were lethal to mice~~  
527 ~~and rats, respectively. Symptoms of acute toxicity~~  
528 ~~were hypoactivity, ataxia, loss of righting reflex, deep~~  
529 ~~slow breathing, and hypothermia.~~

DELETE and REPLACE with:  
Single intravenous doses  
of FLOLAN at 10 and 50 mg/kg  
(2703 and 27027 times the  
recommended acute phase  
human dose based on body  
surface area) were lethal to  
mice and rats, respectively.  
Symptoms of acute toxicity  
were hypoactivity, ataxia,  
loss of righting reflex,  
deep slow breathing, and  
hypothermia.

530 **DOSAGE AND ADMINISTRATION:**

531 **Important Note: FLOLAN must be reconstituted**

532 **only with STERILE DILUENT for FLOLAN.**

533 Reconstituted solutions of FLOLAN must not be

534 diluted or administered with other parenteral solutions

535 or medications (see WARNINGS).

536 **Dosage:**

537 ***Acute Dose Ranging:***

538 The initial chronic infusion rate of FLOLAN is

INSERT:  
Adults:

539 determined by an acute dose-ranging procedure.

540 During controlled clinical trials, this procedure was

541 performed during cardiac catheterization (see

542 PRECAUTIONS), but in subsequent uncontrolled

543 clinical trials, acute doseranging was performed

544 without cardiac catheterization. In either case, the

545 infusion rate is initiated at 2 ng/kg/min and increased

546 in increments of 2 ng/kg/min every 15 minutes or

547 longer until dose-limiting pharmacologic effects are

548 elicited. The most common dose-limiting

549 pharmacologic effects during dose ranging are

550 nausea, vomiting, headache, hypotension, chest pain,

INSERT:  
but also include  
(list ALL)

551 dizziness, and bradycardia. During acute dose

552 ranging in clinical trials, the mean maximum dose

553 which did not elicit dose-limiting pharmacologic

554 effects was  $8.6 \pm 0.3$  ng/kg/min.

555 ***Continuous Chronic Infusion:***

556 ~~Chronic continuous infusion of FLOLAN should be~~

~~INSERT:~~

~~Adults:~~

557 administered through a central venous catheter.

558 Temporary peripheral intravenous infusions may be

559 used until central access is established. Chronic

560 infusions of FLOLAN should be initiated at

561 4 ng/kg/min less than the maximum-tolerated infusion

562 rate determined during acute dose ranging. If the

563 maximum-tolerated infusion rate is less than

564 5 ng/kg/min, the chronic infusion should be started at

565 one-half the maximum-tolerated infusion rate. During

566 clinical trials, the mean initial chronic infusion rate

567 was 5 ng/kg/min.

568 **Dosage Adjustments:** Changes in the chronic  
569 infusion rate should be based on persistence,  
570 recurrence, or worsening of the patient's symptoms of  
571 PPH and the occurrence of adverse events due to  
572 excessive doses of FLOLAN. In general, increases in  
573 dose from the initial chronic dose should be  
574 expected. In the controlled 12-week trial, for  
575 example, the dose increased from a mean starting  
576 dose of 5.2 g/kg/min (4 g/kg/min less than the new  
577 tolerated dose) to 9.2 g/kg/min by the end of  
578 week 12, just 1.6 g/kg/min less than the mean non-  
579 tolerated dose.

INSERT:

μ

INSERT:

μ

INSERT:

μ

580 Increments in dose should be considered if  
581 symptoms of PPH persist or recur after improving.  
582 The infusion should be increased by 1 to 2 ng/kg/min  
583 increments at intervals sufficient to allow assessment  
584 of clinical response; these intervals should be at least  
585 15 minutes. Following establishment of a new  
586 chronic infusion rate, the patient should be observed  
587 and standing and supine blood pressure and heart  
588 rate monitored for several hours to ensure that the  
589 new dose is tolerated.

INSERT:

, (comma)

590 During chronic infusion, the occurrence of dose-  
591 related pharmacological events similar to those

592 observed during acute dose ranging may necessitate  
593 a decrease in infusion rate, but the adverse event  
594 may occasionally resolve without dosage adjustment.  
595 Dosage decreases should be made gradually in  
596 2 ng/kg/min decrements every 15 minutes or longer  
597 until the dose-limiting effects resolve. Abrupt  
598 withdrawal of FLOLAN or sudden large reductions in  
599 infusion rates should be avoided. Except in life-  
600 threatening situations (e.g., unconsciousness,  
601 collapse, etc.), infusion rates of FLOLAN should be  
602 adjusted only under the direction of a physician.

603 In patients receiving lung transplants, doses of  
604 FLOLAN were tapered after the initiation of  
605 cardiopulmonary bypass.

606 **Administration:** FLOLAN is administered by  
607 continuous intravenous infusion via a central venous  
608 catheter using an ambulatory infusion pump. During  
609 dose-ranging, FLOLAN may be administered  
610 peripherally.

611 The ambulatory infusion pump used to administer  
612 FLOLAN should: (1) be small and lightweight, (2) be  
613 able to adjust infusion rates in 2 ng/kg/min  
614 increments, (3) have occlusion, end of infusion, and  
615 low battery alarms, (4) be accurate to  $\pm 6\%$  of the

616 programmed rate, and (5) be positive pressure driven  
617 (continuous or pulsatile) with intervals between  
618 pulses not exceeding 3 minutes at infusion rates used  
619 to deliver FLOLAN. The reservoir should be made of  
620 polyvinyl chloride, polypropylene, or glass. Infusion  
621 pumps used in clinical trials were the CADD-1  
622 HFX 5100 (Pharmacia Deltec), Walk-Med 410 C  
623 (Medfusion, Inc.), and the Auto Syringe AS2F (Baxter  
624 Health Care).

625 To avoid potential interruptions in drug delivery, the  
626 patient should have access to a backup infusion  
627 pump and intravenous infusion sets. A multi-lumen  
628 catheter should be considered if other intravenous  
629 therapies are routinely administered.

630 To facilitate extended use at temperatures exceeding  
631 25°C (77°F), a cold pouch with frozen gel packs was  
632 used in clinical trials (see DOSAGE AND  
633 ADMINISTRATION: Storage and Stability). The cold  
634 pouches and gel packs used in clinical trials were  
635 obtained from Palco Labs, Palo Alto, California.

INSERT:  
ambient

← ADD:  
Any cold pouch used  
must be capable of  
maintaining the  
temperature of  
reconstituted FLOLAN  
between 2° and 8°C  
for 12 hours.

636 **Reconstitution: FLOLAN is only stable when**  
637 **reconstituted with STERILE DILUENT for FLOLAN.**  
638 **FLOLAN must not be reconstituted or mixed with**  
639 **any other parenteral medications or solutions**  
640 **prior to or during administration.**

641 ~~Parenteral drug products should be inspected visually~~  
642 ~~for particulate matter and discoloration prior to~~  
643 ~~administration whenever solution and container~~  
644 ~~permit. If either occurs, FLOLAN should not be~~  
645 ~~administered.~~

DELETE

646 A concentration for the solution of FLOLAN for acute  
647 dose ranging or chronic therapy should be selected  
648 which is compatible with the infusion pump being used  
649 with respect to minimum and maximum flow rates,  
650 reservoir capacity, and the infusion pump criteria listed  
651 above. FLOLAN, when administered chronically,  
652 should be prepared in a drug delivery reservoir  
653 appropriate for the infusion pump with a total reservoir  
654 volume of at least 100 mL. FLOLAN should be  
655 prepared using 2 vials of STERILE DILUENT for FLOLAN  
656 for use during a 24-hour period. Table 5 gives  
657 directions for preparing several different  
658 concentrations of FLOLAN:

659



660

Table 5

661 662 663	To make 100 mL of solution with final Concentration (ng/mL) of:	Directions:
664	3,000 ng/mL	Dissolve contents of one 0.5 mg vial with 5 mL of STERILE DILUENT for FLOLAN. Withdraw 3 mL and add to sufficient STERILE DILUENT for FLOLAN to make a total of 100 mL.
665	5,000 ng/mL	Dissolve contents of one 0.5 mg vial with 5 mL of STERILE DILUENT for FLOLAN. Withdraw entire vial contents and add sufficient STERILE DILUENT for FLOLAN to make a total of 100 mL.
666	10,000 ng/mL	Dissolve contents of two 0.5 mg vials each with 5 mL of STERILE DILUENT for FLOLAN. Withdraw entire vial contents and add sufficient STERILE DILUENT for FLOLAN to make a total of 100 mL.
667	15,000 ng/mL	Dissolve contents of one 1.5 mg vial with 5 mL of STERILE DILUENT for FLOLAN. Withdraw entire vial contents and add sufficient STERILE DILUENT for FLOLAN to make a total of 100 mL.

668 Higher concentrations may be required for patients who receive

669 FLOLAN long-term.

670 More than one solution strength may be required to  
 671 accommodate the range of infusions anticipated  
 672 during acute dose-ranging. Generally, 3,000 ng/mL  
 673 and 10,000 ng/mL are satisfactory concentrations to  
 674 deliver between 2 to 16 ng/kg/min in adults. Infusion  
 675 rates may be calculated using the following formula:

$$\begin{array}{l}
 676 \text{ Infusion Rate (mL/hr) = } \frac{[\text{Dose (ng/kg/min)} \times] \\
 677 \text{ Weight (kg) } \times 60 \text{ min/hr}]}{\text{Final}} \\
 678 \text{ Concentration (ng/mL)}
 \end{array}$$

680 Tables 6 through 9 provide infusion delivery rates for  
 681 doses up to 16 ng/kg/min based upon patient weight,

682 drug delivery rate, and concentration of the solution of  
 683 FLOLAN to be used. These tables may be used to  
 684 select the most appropriate concentration of FLOLAN  
 685 that will result in an infusion rate between the  
 686 minimum and maximum flow rates of the infusion  
 687 pump and which will allow the desired duration of  
 688 infusion from a given reservoir volume. Higher  
 689 infusion rates, and therefore, more concentrated  
 690 solutions may be necessary with long-term  
 691 administration of FLOLAN.

692

693 **Table 6**

Infusion Rates for FLOLAN at a Concentration of 3,000 ng/mL								
Patient Weight (kg)	Dose or Drug Delivery Rate (ng/kg/min)							
	2	4	6	8	10	12	14	16
Infusion Delivery Rate (mL/hr)								
10	—	—	1.2	1.6	2.0	2.4	2.8	3.2
20	—	1.6	2.4	3.2	4.0	4.8	5.6	6.4
30	1.2	2.4	3.6	4.8	6.0	7.2	8.4	9.6
40	1.6	3.2	4.8	6.4	8.0	9.6	11.2	12.8
50	2.0	4.0	6.0	8.0	10.0	12.0	14.0	16.0
60	2.4	4.8	7.2	9.6	12.0	14.4	16.8	19.2
70	2.8	5.6	8.4	11.2	14.0	16.8	19.6	22.4
80	3.2	6.4	9.6	12.8	16.0	19.2	22.4	25.6
90	3.6	7.2	10.8	14.4	18.0	21.6	25.2	28.8
100	4.0	8.0	12.0	16.0	20.0	24.0	28.0	32.0

711

712

713

**Table 7**

714

Infusion Rates for FLOLAN at a Concentration of 5,000 ng/mL								
Patient	Dose or Drug Delivery Rate (ng/kg/min)							
Weight (kg)	2	4	6	8	10	12	14	16
	Infusion Delivery Rate (mL/hr)							
10	—	—	—	1.0	1.2	1.4	1.7	1.9
20	—	1.0	1.4	1.9	2.4	2.9	3.4	3.8
30	—	1.4	2.2	2.9	3.6	4.3	5.0	5.8
40	1.0	1.9	2.9	3.8	4.8	5.8	6.7	7.7
50	1.2	2.4	3.6	4.8	6.0	7.2	8.4	9.6
60	1.4	2.9	4.3	5.8	7.2	8.6	10.1	11.5
70	1.7	3.4	5.0	6.7	8.4	10.1	11.8	13.4
80	1.9	3.8	5.8	7.7	9.6	11.5	13.4	15.4
90	2.2	4.3	6.5	8.6	10.8	13.0	15.1	17.3
100	2.4	4.8	7.2	9.6	12.0	14.4	16.8	19.2

Table 8

Infusion Rates for FLOLAN at a Concentration of 10,000 ng/mL							
Patient	Dose or Drug Delivery Rate (ng/kg/min)						
Weight (kg)	4	6	8	10	12	14	16
	Infusion Delivery Rate (mL/hr)						
20	—	—	1.0	1.2	1.4	1.7	1.9
30	—	1.1	1.4	1.8	2.2	2.5	2.9
40	1.0	1.4	1.9	2.4	2.9	3.4	3.8
50	1.2	1.8	2.4	3.0	3.6	4.2	4.8
60	1.4	2.2	2.9	3.6	4.3	5.0	5.8
70	1.7	2.5	3.4	4.2	5.0	5.9	6.7
80	1.9	2.9	3.8	4.8	5.8	6.7	7.7
90	2.2	3.2	4.3	5.4	6.5	7.6	8.6
100	2.4	3.6	4.8	6.0	7.2	8.4	9.6

Table 9

Infusion Rates for FLOLAN at a Concentration of 15,000 ng/mL								
Patient		Dose or Drug Delivery Rate (ng/kg/min)						
Weight (kg)		4	6	8	10	12	14	16
		Infusion Delivery Rate (mL/hr)						
30		—	—	1.0	1.2	1.4	1.7	1.9
40		—	1.0	1.3	1.6	1.9	2.2	2.6
50		—	1.2	1.6	2.0	2.4	2.8	3.2
60		1.0	1.4	1.9	2.4	2.9	3.4	3.8
70		1.1	1.7	2.2	2.8	3.4	3.9	4.5
80		1.3	1.9	2.6	3.2	3.8	4.5	5.1
90		1.4	2.2	2.9	3.6	4.3	5.0	5.8
100		1.6	2.4	3.2	4.0	4.8	5.6	6.4

768 **Storage and Stability:** Unopened vials of FLOLAN

769 are stable until the date indicated on the package

770 when stored at 15° to 25°C (59° to 77°F) and

771 protected from light in the carton. Unopened vials of

772 STERILE DILUENT for FLOLAN are stable until the

773 date indicated on the package when stored at 15° to

774 25°C (59° to 77°F).

775 Prior to use, reconstituted solutions of FLOLAN must  
776 be protected from light and must be refrigerated at  
777 2° to 8°C (36° to 46°F) if not used immediately. Do  
778 not freeze reconstituted solutions of FLOLAN.  
779 Discard any reconstituted solution that has been  
780 frozen.

ADD:

Discard any reconstituted  
solution if it has been  
refrigerated for more than  
48 hours.

781 During use, a single reservoir of reconstituted solution  
782 of FLOLAN can be administered at room temperature  
783 for a total duration of 8 hours, or it can be  
784 administered up to 24 hours with the use of two  
785 frozen 6-oz gel packs in a cold pouch. When stored  
786 or in use, reconstituted FLOLAN must be insulated  
787 from temperatures greater than 25°C (77°F) and less  
788 than 0°C (32°F), and must not be exposed to direct  
789 sunlight.

INSERT:

used with a cold pouch and

790 **Use at Room Temperature:** Prior to use at room  
791 temperature, 15° to 25°C (59° to 77°F), reconstituted  
792 solutions of FLOLAN may be stored refrigerated at 2°  
793 to 8°C (36° to 46°F) for no longer than 40 hours.  
794 When administered at room temperature,  
795 reconstituted solutions may be used for no longer  
796 than 8 hours. This 48-hour period allows the patient  
797 to reconstitute a 2-day supply (200 mL) of FLOLAN.  
798 Each 100 mL daily supply may be divided into three

799 equal portions. Two of the portions are stored  
800 refrigerated at 2° to 8°C (36° to 46°F) until they are  
801 used.

802 **Use with a Cold Pouch:** Prior to infusion with the  
803 use of a cold pouch, solutions may be stored  
804 refrigerated at 2° to 8°C (36° to 46°F) for up to  
805 24 hours. When a cold pouch is employed during the  
806 infusion, reconstituted solutions of FLOLAN may be  
807 used for no longer than 24 hours. The gel packs  
808 should be changed every 12 hours.

ADD:  
Reconstituted solutions may  
be kept at 2°C to 8°C  
(36° to 46°F), either in  
refrigerated storage or in  
a cold pouch or a combination  
of the two, for no more than  
48 hours.

809 **HOW SUPPLIED:** FLOLAN for Injection is supplied  
810 as a sterile freeze-dried powder in 17 mL flint glass  
811 vials with gray butyl rubber closures, individually  
812 packaged in a carton.  
  
813 17 mL vial containing epoprostenol sodium equivalent  
814 to 0.5 mg (500,000 ng), carton of 1, (NDC 0081-  
815 0460-01).

ADD NEW PARAGRAPH:  
Parenteral drug products  
should be inspected visually  
for particulate matter and  
discoloration prior to  
administration whenever  
solution and container  
permit. If either occurs,  
reconstituted FLOLAN should  
not be administered.

816 17 mL vial containing epoprostenol sodium equivalent  
817 to 1.5 mg (1,500,000 ng), carton of 1, (NDC 0081-  
818 0464-01).

819 Store the vials of FLOLAN at 15° to 25°C (59° to  
820 77°F). Protect from light.

821 The STERILE DILUENT for FLOLAN is supplied in 50

822 mL flint glass vials with fluororesin faced butyl rubber

823 closures.

824 50 mL vial of STERILE DILUENT for FLOLAN, tray of 4

825 (NDC 0081-0462-01).

826 Store the vials of STERILE DILUENT for FLOLAN at

827 15° to 25°C (59° to 77°F). DO NOT FREEZE.

828 **Caution:** Federal law prohibits dispensing without

829 prescription.

830

831 U.S. Patent Nos. 4335139, 4539333, and 4883812 (Use Patent)

832 Licensed Under U.S. Patent No. 4338325

833

834

835 Manufactured by

836 THE WELLCOME FOUNDATION LTD.

837 London, England NW1 2BP for

838 BURROUGHS WELLCOME CO.

839 Research Triangle Park, NC 27709

840

841

842 Printed in U.S.A.

(Date of Issue)

(Item No.)

843

844  
845



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**EXHIBIT 6**

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U.S. PATENT 4,338,325

# United States Patent [19]

Johnson et al.

[11] 4,338,325

[45] Jul. 6, 1982

[54] PGI<sub>2</sub> PHARMACOLOGICALLY  
ACCEPTABLE SALTS

[75] Inventors: Roy A. Johnson, Kalamazoo; Frank  
H. Lincoln, Portage; John E. Pike,  
Kalamazoo, all of Mich.

[73] Assignee: The Upjohn Company, Kalamazoo,  
Mich.

[21] Appl. No.: 200,690

[22] Filed: Oct. 27, 1980

## Related U.S. Application Data

[63] Continuation-in-part of Ser. No. 819,940, Jul. 28, 1977,  
which is a continuation-in-part of Ser. No. 725,550,  
Sep. 22, 1976, abandoned, which is a continuation-in-  
part of Ser. No. 716,770, Aug. 23, 1976, abandoned.

[51] Int. Cl.<sup>3</sup> ..... A61K 31/557; C07D 307/935

[52] U.S. Cl. .... 424/285; 549/465

[58] Field of Search ..... 260/346.22, 346.73;  
542/421; 424/285

## [56] References Cited

### U.S. PATENT DOCUMENTS

3,598,858 8/1971 Bergstrom et al. .... 562/503

### OTHER PUBLICATIONS

Moncada et al., Prostaglandins, vol. 12, pp. 658-713,  
(1976).

*Primary Examiner*—Henry R. Jiles

*Assistant Examiner*—Bernard Denz

*Attorney, Agent, or Firm*—Robert A. Armitage

## [57] ABSTRACT

The present invention relates to PGI<sub>2</sub> pharmacologi-  
cally acceptable salts, having pharmacological activity.  
Particularly, the compounds described herein are useful  
as platelet aggregation inhibitors.

6 Claims, No Drawings

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## **EXHIBIT 7**

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**DUE DILIGENCE LOG**  
for IND 16,459 and NDA 20-444

- 08-03-78 Letter to FDA in reference to the BW-FDA meeting scheduled for 1:00 pm on 8/29/78 to discuss plans for our submission of an IND for Prostacyclin (PGI<sub>2</sub>), advising that the meeting is primarily intended to share with FDA the current state of our research effort in this area and secondly, to discuss future plans to bring the drug into use in a variety of disease states.
- 05-30-79 Submitted a "Notice of Claimed Investigational Exemption for a New Drug."
- 06-06-79 Letter from FDA acknowledging receipt of our 5/30/79 Notice of Claimed Investigational Exemption for a New Drug.
- 10-20-79 Submitted an amendment to provide for manufacturing and control changes.
- 01-04-80 Telephone call to FDA to report an emergency shipment of prostacyclin to Duke University for an infant with persistent pulmonary hypertension in a newborn.
- 07-02-80 Telephone call to FDA to inform them of the deaths of a newborn infant female, treated on an emergency basis at Duke University Medical Center, July 1 and 2, 1980, for persistent pulmonary hypertension.
- 07-09-80 Telephone call to FDA to discuss the infant with persistent pulmonary hypertension who was treated with prostacyclin at Duke University Medical Center.
- 07-15-80 Amended our IND to provide for the clinical study "Pilot Study of Epoprostenol (Prostacyclin Sodium) in the Treatment of Persistent Pulmonary Hypertension of the Newborn (PPHN) In Neonates Unresponsive to Ventilatory Therapy," to be conducted by George Brumley, M.D.
- 07-23-80 Submitted Progress Report.
- 09-15-80 Amended our IND to provide for the clinical study "Pilot Study of Epoprostenol (Prostacyclin Sodium) In the Treatment of Persistent Pulmonary Hypertension of the Newborn (PPHN) In Neonates Unresponsive to Ventilatory Therapy," to be conducted by Herbert Harned, Jr., M.D.
- 10-20-80 Amended our IND to provide for the clinical study "Pilot Study of Epoprostenol (Prostacyclin Sodium) In the Treatment of Primary Pulmonary Hypertension (PPH) in Adults," to be conducted by Lewis Rubin, M.D., and Bertron Groves, M.D.
- 11-12-80 Submitted an amendment to provide for a revision in the pH of the solution of Prostacyclin for freeze drying from pH 10.5 ± 0.05 to pH 11.4 ± 0.05.
- 11-21-80 Amended our IND to allow for the manufacture of the diluent buffer for the injection at two alternate sites, The Wellcome Foundation, Ltd., Beckenham, U.K., and Glaxo Biologicals Speke, Near Liverpool, U.K.
- 01-28-81 Telephone call to FDA to report an instability problem with prostacyclin; advised FDA that a more detailed letter is forthcoming.

- 04-20-81 Letter to FDA in reference to the 1/28/81 BW-FDA telephone conversation advising FDA of a stability problem with prostacyclin, forwarding a report prepared by the Wellcome Foundation, Ltd., which fully describes the background of the stability problem.
- 04-20-81 Meeting with FDA to discuss (1) formal notification to FDA of the problem of loss of potency in one lot of drug, our investigation, and our conclusion (2) discussion of a preliminary review of our IND by Dr. Weiss.
- 05-28-81 Telephone conversation with FDA regarding their interest in prostacyclin as a diagnostic tool in determining the reversibility of pulmonary hypertension.
- 06-02-81 In reference to our letter of 4/20/81 concerning a stability problem with prostacyclin, submitted original graphs of the results of the Pyrogallol experiment to show the oxygen levels.
- 08-31-81 Submitted Progress Report.
- 11-02-81 Telephone conversation with the FDA to request permission to administer prostacyclin to a patient with primary pulmonary hypertension, entered in Dr. Bertram Groves clinical study.
- 11-05-81 Letter to FDA regarding recent observations by the Upjohn Company of alterations in bone growth in dogs and neonates following administration of PGE<sub>1</sub>, PGE<sub>2</sub>, and PGF<sub>2</sub>.
- 01-12-82 Telephone call to Dr. Eugenia Triantas (FDA) to request permission to treat patient with pulmonary hypertension.
- 01-18-82 Telephone call to FDA to request permission to treat a patient with primary pulmonary hypertension.
- 02-15-82 Submitted an amendment to our IND to provide for the use of a 0.22 um sterile membrane filter.
- 06-24-82 Amended our IND to provide for a clinical study entitled "evaluation of Epoprostenol Sodium and Subsequent Therapy in the Treatment of Primary Pulmonary Hypertension (PPH) in Adults," to be conducted by Bertron Groves, M.D.
- 07-27-82 Amended our IND to provide for the clinical study entitled "Multicenter Emergency Evaluation of Epoprostenol Sodium in the Assessment of Pulmonary Vasoreactivity in Patients with Primary Pulmonary Hypertension (PPH).
- 07-27-82 In addition, we wish to amend our IND to provide for the clinical study entitled "Evaluation of Epoprostenol sodium and Subsequent Therapy in the Treatment of Primary Pulmonary Hypertension (PPH) in Adults," to be conducted by Lewis J. Rubin, M.D.
- 08-10-82 Amended our IND to provide for the emergency use of Prostacyclin Sodium Salt by Bertron Groves, M.D., of University of Colorado School of Medicine, Denver, Colorado and Hugo D. Mortenogro, M.D., Cleveland VA Medical Center, Cleveland, Ohio, in the treatment of patients with primary pulmonary hypertension.
- 08-11-82 Submitted Progress Report.

- 09-02-82 Amended our IND to register Robert Mellins, M.D., as an investigator for the clinical study entitled "Multicenter Emergency Evaluation of Epoprostenol Sodium in the Assessment of Pulmonary Vasoreactivity in Patients with Primary Pulmonary Hypertension (PPH)," submitted to FDA 7-27-82.
- 09-07-82 Telephone conversation with Doralie Segal of FDA regarding Dr. Herbert B. Hectman's clinical study.
- 10-01-82 Amended our IND to provide for an amendment to the clinical protocol entitled "Evaluation of Epoprostenol Sodium and Subsequent Therapy in the Treatment of Primary Pulmonary Hypertension (PPH) in Adults," being conducted by Lewis J. Rubin, M.D., and Bertron Groves, M.D., submitted 8-27-82 and 6-24-82, respectively.
- 04-07-83 Amended our IND to register Syed Mohiuddin, M.D., as an investigator for the clinical study (21-02) entitled "Multicenter Emergency Evaluation of Epoprostenol Sodium in the Assessment of Pulmonary Vasoreactivity in Patients with Primary Pulmonary Hypertension (PPH)," submitted to FDA 7-27-82.
- 05-17-83 Amended our IND to provide for revisions to the clinical study 21 entitled "Multicenter Emergency Evaluation of Epoprostenol Sodium in the Assessment of Pulmonary Vasoreactivity in Patients with Primary Pulmonary Hypertension," being conducted by Robert Mellins, M.D. and Syed Mohiuddin, M.D.
- 10-17-83 Amended IND to register Bertron Groves, M.D. as investigator for the study entitled "Multicenter Emergency Evaluation of Epoprostenol Sodium in the Assessment of Pulmonary Vasoreactivity in Patients with Primary Pulmonary Hypertension." Study No. 21-05.
- 12-05-83 Amended IND to provide for the following registration of Lewis J. Rubin, M.D. as an investigator for the clinical study entitled "Multicenter Emergency Evaluation of Epoprostenol Sodium in the Assessment of Pulmonary Vasoreactivity in Patients with Primary Pulmonary Hypertension (PPH)," submitted to FDA on July 27, 1982, and amended on May 17, 1983.
- 04-25-84 Amended IND to provide for registration of Kenneth Moser, M.D. as an investigator for clinical study 21, "Multicenter Emergency Evaluation of Epoprostenol Sodium in the Assessment of Pulmonary Vasoreactivity in Patients with Primary Pulmonary Hypertension (PPH)," submitted 7/27/82.
- 01-27-84 Submitted an amendment to our IND to provide for an updating of the synthetic route for the new drug substance.
- 03-15-84 Submitted a copy of the minutes of the End-of-Phase II Meeting held with FDA 11/21/83, and a copy of Technical Report on the 30-day dog study, entitled "Formation and Reversibility of Hematological Changes in Beagle Dogs," conducted by the Upjohn Company.

- 07-09-84 Submitted Progress Report.
- 07-10-84 Amended IND to provide for clinical study 29, "Evaluation of Epoprostenol Sodium Effects on Pulmonary Vascular Resistance, Pulmonary Function and Exercise Tolerance in Adult Patients With CorPulmonate from Chronic Obstructive Pulmonary Disease," to be conducted by Lewis J. Rubin, M.D. In addition, we wish to amend IND to provide for a change in principal investigator from Richard Foley, M.D. to Catherine Thompson, M.D. for the following clinical studies:
- 11-07-84 Amended IND to provide for:  
Amendment of clinical study 29, "Evaluation of Epoprostenol Sodium on Pulmonary Vascular Resistance, Pulmonary Function, and Exercise Tolerance in Adult Patients with Cor Pulmonale from Chronic Obstructive Pulmonary Disease," being conducted by Lewis Rubin, M.D., to allow additional platelet aggregation tests. The protocol for this study and a completed Form FD 1572/1573 for Dr. Rubin were submitted to FDA on July 10, 1984.
- 02-07-85 Amended IND to provide for revisions to clinical study 29, being conducted by Lewis Rubin, M.D. (Protocol submitted to FDA 7-10-84 and amended 11-7-84).
- 05-15-85 Conversations with FDA regarding primary pulmonary  
and hypertension (PPH) indication for prostacyclin requesting  
05-24-85 additional data.
- 08-14-85 Submitted Progress Report.
- 08-15-85 Amended IND to register Robyn Barst, M.D. as an investigator for clinical study 21, "Multicenter Emergency Evaluation of Epoprostenol Sodium in the Assessment of Pulmonary Vasoreactivity in Patients with Primary Pulmonary Hypertension (PPH)," submitted to FDA on July 27, 1982, and amended on May 17, 1983.
- 12-24-85 Amended our IND to register Jeffrey Dunn as an investigator for clinical study 21, submitted to FDA on July 27, 1982, and amended on May 17, 1983.
- 02-27-86 Amended our IND to register Lewis J. Rubin, M.D., as investigator for clinical study 29, sites 03 and 04, submitted to FDA on 7/10/84, and amended on 11/7/84 and 2/7/85.
- 04-28-86 Amended our IND to provide for a change in principal investigator for study 21, submitted to FDA on 07/27/82 and amended on 5/17/83; Neal H. Cohen, M.D., a co-investigator will assume responsibility for this study.
- 10-06-86 Submitted a progress report.

- 10-31-86 Amended IND to provide for revisions to clinical study 20, "Evaluation of Epoprostenol Sodium and Subsequent Therapy in the Treatment of Primary Pulmonary Hypertension (PPH) in Adults," being conducted by Lewis Rubin, M.D. and Bertron Groves, M.D. The protocol for this study was submitted on June 24, 1982.
- 04-23-87. Amended IND to provide for clinical study 36, "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients," to be conducted by Robyn J. Barst, M.D.
- 04-28-87 Telephone call to FDA informing them of the death of patient #101 who was enrolled in study 36, "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients," being conducted by Robyn Barst, M.D.
- 05-04-87 Submitted an adverse experience report on a patient (#101, PLC) who expired following treatment under clinical study 36, "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients," being conducted by Robyn Barst, M.D. Also submitted information on a patient who expired following treatment with FLOLAN during an attempted cardiopulmonary resuscitation.
- 05-07-87 Telephone call to FDA to clarify procedure for submission of adverse experience reports during NDA review; ADR's should be submitted to both the IND and NDA until NDA is approved.
- 06-18-87 Amended IND to provide for revisions to clinical study 36, "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients." In addition, registered Lewis Rubin, M.D. as an investigator for study 36. The protocol for this study was submitted April 23, 1987.
- 07-01-87 Amended IND to provide for clinical study 35, "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes I and II Primary Pulmonary Hypertension Patients," to be conducted by Lewis Rubin, M.D.
- 07-31-87 Submitted adverse experience report on a patient (#02, CJD), who experienced embolic cerebrovascular accident while being treated under protocol 36, "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients," being conducted by Lewis Rubin, M.D.
- 08-21-87 Telephone call from FDA regarding adverse experience (cerebrovascular accident) submitted on July 31, 1987. We were requested to notify investigators of this experience.
- 08-26-87 Amended IND to provide for clinical study 37, "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in Patients with Primary Pulmonary Hypertension," to be conducted by Lewis Rubin, M.D.



- 09-02-87 Letter from FDA confirming telephone conversation of August 21, 1987 and requesting that we notify investigators of adverse experience (cerebrovascular accident) submitted July 31, 1987.
- 09-04-87 Submitted a follow-up to our May 4, 1987 submission concerning the death of patient #101 (PLC) who was being treated under protocol 36, "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III or IV Primary Pulmonary Hypertension."
- 09-11-87 Telephone call from FDA with concerns regarding protocol 37, "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in Patients with Primary Pulmonary Hypertension," submitted on August 26, 1987.
- 09-15-87 Telephone call to FDA to review the status of patient entry and outcome for studies 35, 36 and 37.
- 09-25-87 Letter from FDA requesting that we submit additional safety report summaries at three month intervals for study 37-01, "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in Patients with Primary Pulmonary Hypertension."
- 09-28-87 Submitted copy of our letter to investigators notifying them of adverse experience concerning patient #02, in response to FDA letter of September 2, 1987.
- 10-22-87 Amended IND to register Alfred Fishman, M.D. and Harold  
001 Palewsky, M.D. as investigators for the following clinical studies:  
  
Protocol 35 - "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes I and II Primary Pulmonary Hypertension Patients," submitted on July 1, 1987.  
  
Protocol 36 - "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients," submitted on April 23, 1987 and amended on June 18, 1987.
- 10-30-87 Submitted a copy of letter to FDA that had been forwarded to all  
002 investigators concerning safety precautions, re: protocols 35, 36, and 37, as a follow-up to our September 28, 1987 submission.
- 11-09-87 Submitted three-month update covering period up to October 1,  
003 1987 for the following clinical studies as requested by FDA in letter of September 25, 1987:  
  
Protocol 35 - "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes I and II Primary Pulmonary Hypertension Patients"  
  
Protocol 36 - "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients"  
  
Protocol 37 - "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in Patients with Primary Pulmonary Hypertension"

- 11-16-87  
004 Amended IND to provide for clinical study 40, "Evaluation of the Hemodynamic Oxygen Transport Effects of FLOLAN in Chronic Obstructive Pulmonary Disease Patients with Acute Respiratory Failure," to be conducted by Matthew Horn, M.D., and Kenneth Moser, M.D.
- 12-21-87  
005 Amended IND to register Lewis Rubin, M.D. as an investigator for clinical study 40, "Evaluation of the Hemodynamic and Oxygen Transport Effects of FLOLAN in Chronic Obstructive Pulmonary Disease Patients with Acute Respiratory Failure." Protocol for study was submitted on November 16, 1987 (004).
- 01-21-88  
006 Amended IND to register Mitchell Friedman, M.D. as an investigator for clinical study 40, "Evaluation of the Hemodynamic and Oxygen Transport Effects of FLOLAN in Chronic Obstructive Pulmonary Disease Patients with Acute Respiratory Failure," submitted on November 16, 1987. Also registered Robyn Barst, M.D. as an investigator for clinical study 21, "Multicenter Emergency Evaluation of Epoprostenol Sodium in the Assessment of Pulmonary Vasoreactivity in Patients with Primary Pulmonary Hypertension," submitted on July 27, 1982 and amended on May 17, 1983. Dr. Barst is replacing Thomas Starc, M.D.
- 01-29-88  
007 Submitted the second three-month safety update for studies 35, 36 and 37 covering the period from October 1, 1987 to December 31, 1987.
- 02-22-88  
008 Amended IND to register Michael D. McGoon, M.D. as an investigator for clinical study 35, "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes I and II Primary Pulmonary Hypertension Patients," submitted on July 1, 1987 and clinical study 36, "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients," submitted on April 23, 1987 and amended on June 18, 1987. In addition, registered Alfred Fishman, M.D. and Harold Palevsky, M.D. as investigators for clinical study 40, "Evaluation of the Hemodynamic and Oxygen Transport Effects of FLOLAN in Chronic Obstructive Pulmonary Disease Patients with Acute Respiratory Failure," submitted on November 16, 1987.
- 03-08-88  
009 Submitted annual report.
- 03-25-88  
010 Amended IND to provide for revisions to clinical study 40, "Evaluation of the Hemodynamic and Oxygen Transport Effects of FLOLAN in Chronic Obstructive Pulmonary Disease Patients with Acute Respiratory Failure," submitted on November 16, 1987 (Serial No. 004). The protocol is being conducted by the following investigators:
- |                         |                      |
|-------------------------|----------------------|
| Lewis Rubin, M.D.       | Alfred Fishman, M.D. |
| Harold Palevsky, M.D.   | Kenneth Moser, M.D.  |
| Mitchell Friedman, M.D. | Edgar Caldwell, M.D. |
| William Williams, M.D.  |                      |

Also registered Michael McGoon, M.D. as an investigator for clinical study 37, "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in patients with Primary Pulmonary Hypertension," submitted on August 26, 1987.

- 03-31-88 Telephone call to FDA to report the death of patient #17 who expired while being treated under clinical study 36, "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients," being conducted by Robyn Barst, M.D.
- 04-21-88 Submitted an adverse experience report on a patient (#18, JAF)  
011 who experienced flushing, faintness, nausea, hypotension and bradycardia while being treated under protocol 36, "Multicenter Evaluation of Long-Term FLOLAN in New York Association Classes III and IV Primary Pulmonary Hypertension Patients," being conducted by Lewis Rubin, M.D.
- 04-26-88 Submitted the third three-month safety update for the  
012 following clinical studies:  
Protocol 35 - "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes I and II Primary Pulmonary Hypertension Patients"  
Protocol 36 - "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients"  
Protocol 37 - "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in Patients with Primary Pulmonary Hypertension"
- 04-27-88 Submitted summary information on patient #17 (VS) who  
013 expired while being treated under clinical study 36, "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients," being conducted by Robyn Barst, M.D.
- 05-05-88 Submitted an adverse experience report on patient #01 (REC)  
014 who experienced cough syncope and bronchitis while being treated under protocol 37, "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in Patients with Primary Pulmonary Hypertension," being conducted by Lewis Rubin, M.D.
- 05-23-88 Amended IND to register Frederick Glauser, M.D., Paul Fairman,  
016 M.D. and Curt Sessler, M.D. as investigators for clinical study 40, "Evaluation of the Hemodynamic and Oxygen Transport Effects of FLOLAN in Chronic Obstructive Pulmonary Disease Patients with Acute Respiratory Failure," submitted on November 16, 1987 (Serial No. 004).
- 06-27-88 Amended IND to register Keith Mansel, M.D. and James E.  
017 Griffith, M.D. as investigators for clinical study 40, "Evaluation of the Hemodynamic and Oxygen Transport Effects of FLOLAN in Chronic Obstructive Pulmonary Disease Patients with Acute Respiratory Failure," submitted on November 16, 1987 (Serial No. 004).

- 07-08-88 018 Submitted an adverse experience report on patient #18 (JAF) who experienced syncope while being treated under protocol 36, "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients," being conducted by Lewis Rubin, M.D.
- 07-08-88 Telephone call to FDA informing them of patient #01 (REC) who experienced skin and eye photosensitivity while being treated under clinical study 37-01, "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in Patients with Primary Pulmonary Hypertension," being conducted by Lewis Rubin, M.D.
- 07-11-88 Telephone call to FDA informing them of patient #16 (DMC) who experienced an increase in pulmonary arterial pressure while being treated under protocol 36, "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients," being conducted by Michael McGoon, M.D.
- 07-15-88 019 Submitted an adverse experience report on patient #01 (REC) who experienced skin and eye photosensitivity while being treated under protocol 37-01, "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in Patients with Primary Pulmonary Hypertension," being conducted by Lewis Rubin, M.D.
- 07-20-88 020 Submitted an adverse experience report on patient #16 (DMC) who experienced an increase in pulmonary arterial pressure (PAP) while enrolled in clinical study 36, "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients," being conducted by Michael McGoon, M.D.
- 07-27-88 021 As a follow-up to our telephone call of March 31, 1988, and letter of April 17, 1988, submitted an autopsy report on patient #17 (VS) who expired while being treated under protocol 36, "Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients," being conducted by Robyn Barst, M.D.
- 07-28-88 022 Amended IND to register Ronald Pearl, M.D., Ph.D., Steve Jenkinson, M.D., Charles Bryan, M.D., Warren Summer, M.D. and Bennett deBoisblanc, M.D. as investigators for clinical study 40, "Evaluation of the Hemodynamic and Oxygen Transport Effects of FLOLAN in Chronic Obstructive Pulmonary Disease Patients with Acute Respiratory Failure," submitted on November 16, 1987 (Serial No. 004).
- 08-10-88 023 Submitted annual report.

- 09-08-88 Submitted an adverse experience report on patient #06  
026 (DMC) being treated under protocol 37, "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in Patients with Primary Pulmonary Hypertension," being conducted by Michael McGoon, M.D.
- 09-13-88 Telephone call to FDA to explain our delay in supplying the last  
90-day safety report for primary pulmonary hypertension.
- 09-14-88 Submitted the fourth three-month safety update for the  
028 following studies:  
Protocol 35 – Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes I and II Primary Pulmonary Hypertension Patients  
Protocol 36 – Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients  
Protocol 37 – Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in Patients with Primary Pulmonary Hypertension.
- 09-22-88 Amended IND to register Kenneth M. Moser, M.D. and  
029 Kent Kapitan, M.D. as investigators for clinical study 36, "Multicenter Evaluation on Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Patients," submitted on April 23, 1987 and amended on June 18, 1987. Also, registered James Williams, M.D. and Kenneth Weir, M.D. as investigators for clinical study 40, "Evaluation of the Hemodynamic and Oxygen Transport Effects of FLOLAN in Chronic Obstructive Pulmonary Disease Patients with Acute Respiratory Failure," submitted November 16, 1987 (Serial No. 004).
- 10-20-88 Telephone call to FDA to report an adverse event in which  
patient #12 experienced pulmonary edema while being treated under protocol 36.
- 10-24-88 Amended IND to register Michael Nochomovitz, M.D. as an  
030 investigator for clinical study 40, "Evaluation of the Hemodynamic and Oxygen Transport Effects of FLOLAN in Chronic Obstructive Pulmonary Disease patients with Acute Respiratory Failure," submitted on November 16, 1987 (Serial No. 004).
- 10-24-88 Telephone call to FDA to report the death of patient #04 being  
treated under protocol 37, "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in Patients with Primary Pulmonary Hypertension," being conducted by Lewis Rubin, M.D.
- 10-25-88 As a follow-up to the submission of September 8, 1988,  
031 submitted the hospital record for patient #06 (DMC) being treated under protocol 37, "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in Patients with Primary Pulmonary Hypertension," being conducted by Michael McGoon, M.D.

- 10-25-88 Amended IND to provide for revisions to clinical study 37,  
032 "OpenMulticenter Evaluation of the Effects of Chronic FLOLAN  
Infusions in Patients with Primary Pulmonary Hypertension,"  
being conducted by Lewis Rubin, M.D. and Michael  
McGoon, M.D. The protocol for this study was submitted on  
August 26, 1987.
- 11-03-88 Telephone call to FDA to report that patient #06 (DMC)  
experienced cramps, light-headedness, rapid pulse, lowered  
blood pressure and subsequent non-responsiveness while being  
treated under protocol 37, being conducted by Michael McGoon,  
M.D.
- 11-08-88 Submitted an adverse experience report on patient #12 (MBS)  
033 who experienced severe, life-threatening pulmonary edema while  
enrolled under protocol 36, "Multicenter Evaluation of  
Long-Term FLOLAN Infusions in New York Heart Association  
Classes III and IV Primary Pulmonary Hypertension Patients,"  
being conducted by Michael McGoon, M.D.
- 11-11-88 Submitted an adverse experience report on patient #01 (WRS)  
034 who expired while being treated under protocol 37, "Open  
Multicenter Evaluation of the Effects of Chronic FLOLAN  
Infusions in Patients with Primary Pulmonary Hypertension,"  
being conducted by Lewis Rubin, M.D.
- 11-15-88 Submitted an adverse experience report on patient #06 (DMC)  
035 who experienced altered mental status and hypotension while  
being treated under protocol 37, "Open Multicenter Evaluation of  
the Effects of Chronic FLOLAN Infusions in Patients with  
Primary Pulmonary Hypertension," being conducted by Michael  
McGoon, M.D.
- 12-08-88 Amended IND to provide for revisions to clinical study 40,  
036 "Evaluation of the Hemodynamic and Oxygen Transport Effects  
of FLOLAN in Chronic Obstructive Pulmonary Disease Patients  
with Acute Respiratory Failure," submitted on November 16,  
1987 (Serial No. 004).
- 12-30-88 Amended IND to register Harold I. Palevsky, M.D. as an  
037 investigator for clinical study 21, "Multicenter Emergency  
Evaluation of Epoprostenol Sodium in the Assessment of  
Primary Vasoreactivity in Patients with Primary Pulmonary  
Hypertension and Selected Patients with Secondary Pulmonary  
Hypertension," submitted on July 27, 1982 and amended on  
May 19, 1983.
- 01-10-89 Submitted the fifth three-month safety update for the following  
038 studies:  
  
Protocol 35 - "Multicenter Evaluation of Long-Term FLOLAN  
Infusions in New York Heart Association Classes I and II Primary  
Pulmonary Hypertension Patients."  
  
Protocol 36 - "Multicenter Evaluaiton of Long-Term FLOLAN  
Infusions in New York Heart Association Classes III and IV  
Primary Pulmonary Hypertension Patients."

Protocol 37 – “Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusion in Patients with Primary Pulmonary Hypertension.”

- 01-20-89  
039 Amended IND to register Frank Lewis, M.D. as an investigator for clinical study 40, “Evaluation of the Hemodynamic and Oxygen Transport Effects of FLOLAN in Chronic Obstructive Pulmonary Disease Patients with Acute Respiratory Failure,” submitted on November 16, 1987 (Serial No. 004) and amended on December 8, 1988 (Serial No. 036).
- 03-13-89 Telephone call to FDA to report an adverse event experience by patient #6 who became cyanotic, collapsed and developed a seizure while being treated under protocol 37, “Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusion in Patients with Primary Pulmonary Hypertension,” being conducted by Michael McGoon, M.D.
- 03-17-89  
040 In accord with FDA letter of September 25, 1987, submitted the sixth three-month safety update which covers the period from October 1, 1988 to December 31, 1988 for the following studies:  
  
Protocol 36 – “Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients”  
  
Protocol 37 – “Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusion in Patients with Primary Pulmonary Hypertension
- 03-29-89  
041 Amended IND to register Stephen Jenkinson, M.D. and Charles Bryan, M.D. as investigators for clinical study 40, “Evaluation of the Hemodynamic and Oxygen Transport Effects of FLOLAN in Chronic Obstructive Pulmonary Disease Patients with Acute Respiratory Failure,” submitted on November 16, 1987 (Serial No. 004) and amended on December 8, 1988 (Serial No. 036).
- 03-30-89  
042 Submitted an adverse experience report on patient #6 (DMC) who experienced cyanosis, absence of respirations, seizure activity and loss of consciousness while being treated under protocol 37, “Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusion in Patients with Primary Pulmonary Hypertension,” being conducted by Michael McGoon, M.D.
- 04-26-89 Telephone call to FDA to report that patient #05, enrolled in study 37, had an AutoSyringe pump malfunction, and developed SOB and severe dyspnea.
- 05-11-89  
043 Submitted an adverse experience report on patient #05 (JAF) who experienced a sudden onset of dyspnea while being treated under protocol 37, “Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in Patients with Primary Pulmonary Hypertension,” being conducted by Lewis Rubin, M.D.
- 05-31-89  
044 Submitted the seventh three-month safety update for the following studies:  
  
Protocol 36 – “Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients

Protocol 37 – “Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusion in Patients with Primary Pulmonary Hypertension”

- 07-11-89 Telephone conversation with FDA in which we were informed that the 3-month safety updates for FLOLAN in treating patients with primary pulmonary hypertension could be discontinued.
- 07-26-89 Letter to FDA confirming telephone agreement that 3-month  
045 safety updates for protocols 35, 36 and 37 would be discontinued.
- 08-10-89 Submitted annual report.  
046
- 09-08-89 Submitted an IND Safety Report on patient #24 (DPM) who  
047 expired while being treated under protocol 21, 11 Multicenter Emergency Evaluation of Epoprostenol Sodium in the Assessment of Primary Vasoreactivity in Patients with Primary Pulmonary Hypertension and Selected Patients with Secondary Pulmonary Hypertension,” being conducted by Lewis Rubin, M.D.
- 09-25-89 Letter to FDA notifying them of additional patient recruitment (3) in Protocol 36.
- 11-07-89 Telephone call to FDA to inform them that patient #28 expired while being treated under protocol 36 being conducted by Robyn Barst, M.D.
- 11-28-89 Telephone call to FDA to inform them of the death of patient #9 who was being treated under protocol 36 being conducted by Lewis Rubin, M.D.
- 12-13-89 Submitted IND Safety Report on patient #28 (AB) who expired  
049 while being treated under protocol 36, “Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients,” being conducted by Robyn Barst, M.D.
- 01-22-90 Submitted IND Safety Report on patient #09 (JAW) who expired  
050 while enrolled in the control group of clinical study 36, “Multicenter Evaluation of Long-Term FLOLAN Infusions in New York Heart Association Classes III and IV Primary Pulmonary Hypertension Patients,” being conducted by Lewis Rubin, M.D.
- 02-19-90 Amended IND to register Robyn J. Barst, M.D. as an investigator  
052 for clinical study 37, “Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in Patients with Primary Pulmonary Hypertension,” submitted on August 26, 1987 and amended on October 25, 1988 (032).
- 02-20-90 Telephone call to FDA to report the death of patient #2 (PPH) who expired while being treated under protocol 37.
- 03-06-90 Telephone call to FDA to inform them of the publication of an article describing FLOLAN use in Primary Pulmonary Hypertension which is scheduled to appear in the April issue of Annals of Internal Medicine and to discuss the results of a television interview on CNN with one of our investigators and one of the patients receiving FLOLAN for PPH.



- 03-14-90 Submitted data to FDA in preparation for a meeting tentatively scheduled for April 4, 1990 to discuss recent results describing the use of FLOLAN in treating patients with Primary Pulmonary Hypertension and the implications of these results on the possible submission of a Treatment IND.
- 03-29-90 In reference to our submission of March 14, 1990 which provided  
054 background material for the meeting of April 4, 1990, submitted a tentative list of Burroughs Wellcome attendees for that meeting and a reprint of an article from the 1987 British Heart Journal detailing FLOLAN's use in Primary Pulmonary Hypertension.
- 03-29-90 Submitted a written report and a report on the stoppage of the  
055 pump concerning patient #2 (CJD) who expired while being treated under protocol 37, "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusion in Patients with Primary Pulmonary Hypertension," being conducted by Lewis Rubin, M.D.
- 03-30-90 Telephone call to FDA to inform them of the death of patient #36  
(RMD) being treated under protocol 21 by Dr. Lewis Rubin.
- 04-05-90 Letter to FDA authorizing them to refer to our IND 16,459 and to  
056 our pending NDA 19-607 on behalf of the Upjohn Company, Kalamazoo, Michigan.
- 04-19-90 Telephone call from FDA to discuss FLOLAN's development as a  
diagnostic agent in primary pulmonary hypertension.
- 04-25-90 Submitted an IND Safety Report on patient #36 (RMD) who  
057 experienced cardiopulmonary arrest and subsequently expired while being treated under protocol 21, "Multicenter Emergency Evaluation of Epoprostenol Sodium in the Assessment of Pulmonary and Vasoreactivity in Patients with Primary Pulmonary Hypertension (PPH)" being conducted by Lewis Rubin, M.D.
- 05-09-90 Letter from FDA with their summary of the April 4, 1990,  
meeting.
- 05-23-90 Submitted a report on patient #01 (REC) who experienced  
058 catheter sepsis, bacteremia, and microscopic hematuria while being treated under protocol 37, "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusion in Patients with Primary Pulmonary Hypertension," being conducted by Lewis Rubin, M.D.
- 05-23-90 Submitted a report on patient #15 (RV) who experienced  
059 infection at catheter site while being treated under protocol 37, "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusion in Patients with Primary Pulmonary Hypertension," being conducted by Robyn Barst, M.D.
- 06-12-90 Telephone call to FDA to inform them of the death of patient #08  
(HLC) who suffered a cardiac arrest and subsequently expired while being treated under protocol 37.

- 06-28-90 In reference to meeting held on April 4, 1990, to discuss the use of  
060 FLOLAN in treating patients with Primary Pulmonary Hypertension, submitted our minutes of that meeting and comments regarding the FDA minutes of that meeting, together with a copy of the videotape of the CNN broadcast concerning FLOLAN.
- 06-28-90 Submitted our minutes of the April 4, 1990, meeting and  
comments regarding the FDA minutes of that meeting.
- 07-02-90 Submitted an IND Safety Report on patient #08 (HLC) who  
061 suffered a cardiac arrest and subsequently expired while being treated under protocol 37, "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusion in Patients with Primary Pulmonary Hypertension," being conducted by Lewis Rubin, M.D.
- 07-10-90 In reference to our Letter to the FDA of June 28, 1990 regarding  
the material on the videotape of the CNN broadcast, letter from FDA requesting a detailed, up-to-date report on the patient presented on that broadcast.
- 08-02-90 Submitted the case history for the patient presented on the  
062 videotape of the CNN broadcast as requested in the FDA letter of July 10, 1990.
- 09-05-90 Memo to FDA detailing three separate datasets utilized in these  
analyses: NIH NHLBI PPH National Registry Data; Papworth Hospital (UK) Data; and BW FLOLAN Protocols 35, 36, 37 Data.
- 09-18-90 Submitted data which provides evidence that FLOLAN is safe  
063 and effective therapy that prolongs survival and improves exercise capacity in NYHA Class III and IV patients with PPH; requested meeting to discuss possible Treatment IND.
- 10-05-90 In reference to telephone conversation of October 4, 1990,  
064 submitted summary information on Patient #16, (JJD) who experienced symptoms probably due to infusion pump failure while being treated under protocol 37, "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in Patients with Primary Pulmonary Hypertension," being conducted by Lewis Rubin, M.D.
- 10-26-90 Telephone call to FDA regarding the review status of our  
September 18, 1990 submission that was in support of a possible treatment IND and to discuss the Subpart E status for this drug.
- 10-26-90 Telephone contacts with FDA regarding the status of their review  
thru of our September 18, 1990 submission in support of the Treatment  
01-10-91 IND.
- 10-31-90 Telephone call from FDA to inform us that Subpart E status for  
FLOLAN would be granted and their review of our submission regarding the filing of a Treatment IND had not been completed.
- 11-05-90 In response to our request of June 28, 1990, letter from FDA  
informing us that FLOLAN qualifies for the special procedures designed to expedite the development, evaluation, and marketing of new therapies as delineated in Subpart E.

- 11-09-90 Amended IND to provide for revisions in the manufacturing and  
065 controls data for the use in clinical trials with FLOLAN Sterile Powder.
- 11-13-90 Letter from FDA requesting a progress report.
- 12-20-90 Submitted IND Safety Reports on the following patients being  
067 treated under protocol 37 by Lewis Rubin, M.D.:  
Patient #16 (JJD) who experienced shortness of breath, blackout, tightness in chest and diarrhea (9/3/90); and weakness, clamminess, faintness, shortness of breath, diarrhea, pallor, inability to move and glazed eyes (9/26/90); and patient #1 (REC) who experienced hypotension and grand mal seizure (following inadvertent overdose of FLOLAN).
- 12-21-90 Submitted IND Safety Reports on the following patients being  
068 treated under protocol 37 by Lewis Rubin, M.D.:  
Patient #07 (ECT) who experienced the loss of short term memory; and patient #13 (LLW) who experienced a symptom complex which included the inability to move, lightheadedness, anxiety, left arm pain, diarrhea, pallor, clamminess, diaphoresis and tachycardia.
- 01-14-91 Conference call with FDA to discuss their proposal that we file a Treatment IND and follow the mortality in additional patients under the Treatment IND.
- 01-17-91 Submitted an Adverse Experience Report on Patient #07 (ECT)  
070 who experienced shortness of breath/dyspnea, diarrhea, blackout/disorientation, vomiting and lightheadedness while being treated under protocol 37 (conducted by Lewis Rubin.)
- 01-18-91 Submitted Adverse Experience Reports on the following patients  
071 being treated under protocol 37:  
Patient #17 (KP) who experienced sepsis while being treated by Robyn Barst, M.D.; and patient #01 (REC) who experienced a serious thrombosis near or in the indwelling catheter and sepsis while being treated by Lewis Rubin, M.D.
- 01-22-91 Submitted Annual Report which covers the period of April 1,  
072 1989 through March 31, 1990.
- 01-22-91 As a follow-up to conference call with FDA on January 14, 1991, telephone call to FDA to obtain proposed dates they could meet with us to discuss further the Treatment IND.
- 01-23-91 In response to our January 22, 1991 call regarding possible meeting dates to discuss the treatment IND, telephone call from FDA requesting that we submit a written request for a meeting, a list of the BW Co. attendees and any new information we intend to present to them.
- 01-28-91 Telephone call to FDA informing them that we would be submitting a written request for a meeting and a list of meeting attendees as requested by the FDA on January 23, 1991.
- 01-30-91 Telephone call from FDA informing us that the meeting date to discuss the Treatment IND was scheduled on February 14, 1991.

- 01-31-91 Telephone call to FDA to confirm that February 14, 1991 would be a suitable date for the meeting.
- 02-06-91 Letter to FDA confirming the meeting scheduled for February 14, 1991 and submitting 1) a list of attendees; 2) a proposed agenda for the meeting; and 3) Summary of Updated Survival Data in preparation for the meeting.
- 02-06-91 Letter to FDA confirming the meeting scheduled for February 14, 1991.  
074
- 02-13-91 Letter from FDA requesting a progress report.
- 02-18-91 Submitted an Adverse Experience Report on patient #17 (KP) who experienced sepsis, hypotension, low cardiac output and nausea while enrolled under protocol #17, being conducted by Robyn Barst, M.D.  
073
- 04-03-91 Submitted a copy of our minutes of FDA meeting held on February 14, 1991, regarding the use of FLOLAN in the treatment of PPH.  
079
- 04-04-91 Telephone conversation with FDA to clarify our position on a request received by the FDA from a Dr. Prince for emergency treatment of a patient (KW) with PPH.
- 07-12-91 Amended IND to provide for an additional 1.5 mg strength of FLOLAN Sterile Powder.  
090
- 07-31-91 As a follow-up to meeting of February 14, 1991, letter to FDA requesting a meeting to discuss our future development plans for FLOLAN in the treatment of primary pulmonary hypertension patients; provided summary data in preparation for the meeting.
- 08-16-91 Letter from FDA enclosing their summary of the meeting held on February 14, 1991.
- 19 Aug 91 Minutes of meeting with FDA to discuss 1) toxicology requirements for chronic use of FLOLAN in patients with PPH and CHF, 2) the proposed protocol for a second exercise tolerance study to support NDA approval for PPH, and 3) labeling specifications for the intravenous delivery system.
- 09-06-91 In reference to FDA letter of August 16, 1991, summarizing the February 14, 1991 meeting, letter to FDA to requesting clarification of the agency's position on the inclusion of mortality claims in the label if the drug is approved for PPH on the basis of a second exercise study.  
097
- 09-11-91 In reference to meeting with FDA on August 19, 1991 submitted a revised protocol 46, "Multicenter, Open-Label, Randomized, Parallel Comparison of the Safety and Efficacy of Chronic FLOLAN Infusions Plus Conventional Therapy Alone in Patient with Severe Primary Pulmonary Hypertension," to be conducted by Robyn Barst, M.D. The protocol reflects the following changes: 1) randomization assignment will be stratified by center, NYHA Class and vasodilator use at baseline; and 2) conventional therapy medications will be held constant unless clinical necessity dictates otherwise.  
099

- 10-04-91 Amended IND to provide for revisions to clinical study 37,  
101 "Open Multicenter Evaluation of the Effects of Chronic FLOLAN  
Infusions in Patients with Primary Pulmonary Hypertension".  
The protocol is being amended to allow use of a larger vial of  
FLOLAN Powder, use of an in-line filter, storage of vials at room  
temperature and preparation of higher concentrations of  
FLOLAN solutions.
- 10-29-91 Amended IND to register Robert Bourge, M.D. and Lewis Rubin,  
103 M.D. as an investigator to conduct clinical study 46, "A  
Multicenter, Open-Label, Randomized, Parallel Comparison of  
the Safety and Efficacy of Chronic FLOLAN Infusions Plus  
Conventional Therapy to Conventional therapy Alone in Patients  
with Severe Primary Pulmonary Hypertension: A Twelve-Week  
Study".
- 11-07-91 In response to our letter of September 6, 1991 requesting  
clarification of the agency's position on the inclusion of mortality  
claims in the label, letter from FDA stating that they would not  
rule out some mention of mortality results in the labeling if the  
drug is approved, but, mortality would not be promotable as an  
efficacy claim.
- 11-11-91 In reference to telephone conversation of September 23, 1991, as  
105 requested, submitted additional details on the randomization  
procedure to be used in the FLOLAN exercise trial in patients  
with PPH.
- 11-12-91 Submitted Annual Report which covers the period of April 1,  
104 1990 thru March 31, 1991.
- 20 Nov 91 Submitted to FDA an Information Package in preparation for the  
End of Phase II meeting scheduled for 12 Dec 91.
- 12-05-91 Amended IND to provide for clinical study 47, "A Multicenter,  
106 Open Evaluation of the Safety of Chronic FLOLAN Infusions  
Plus Conventional Therapy in Patients with Severe Primary  
Pulmonary Hypertension: A Continuation Study," to be  
conducted by Robyn Barst, M.D.
- 12-09-91 Letter to FDA to confirm the meeting scheduled for December 12  
and submitted copies of our proposed agenda, a list of persons  
attending and a summary of the changes made in the draft  
clinical protocol previously provided to FDA.
- 12-13-91 Amended IND to register Neil Ettinger, M.D., Victor  
107 Tapson, M.D., Anthony Killian, M.D., Ph.D. and Stuart Rich,  
M.D. as investigators to conduct clinical study 46, "A  
Multicenter, Open-Label, Randomized, Parallel Comparison of  
the Safety and Efficacy of Chronic FLOLAN Infusions Plus  
Conventional Therapy to Conventional Therapy Alone in  
Patients with Severe Primary Pulmonary Hypertension: A  
Twelve-Week Study."

- 12-31-91  
108 Amended IND to register David Badesch, M.D., FACP, FCCP, Bertron Groves, M.D. and Edgar Caldwell, M.D. to conduct clinical study 46, "A Multicenter, Open-Label, Randomized, Parallel Comparison of the Safety and Efficacy of Chronic FLOLAN Infusions Plus Conventional Therapy to Conventional Therapy Alone in Patients with Severe Primary Pulmonary Hypertension: A Twelve-Week Study" and Lewis Rubin, M.D., to conduct clinical study 47, "A Multicenter, Open Evaluation of the Safety of Chronic FLOLAN Infusions Plus Conventional Therapy in Patients with Severe Primary Pulmonary Hypertension: A Continuation Study."
- 01-27-92  
109 Amended IND to register William Clarke, M.D. as an investigator for clinical study 46, "A Multicenter, Open-Label, Randomized, Parallel Comparison of the Safety and Efficacy of Chronic FLOLAN Infusions Plus Conventional Therapy to Conventional Therapy Alone in Patients with Severe Primary Pulmonary Hypertension: A Twelve-Week Study" and Robert Bourge, M.D. for clinical study 47, "A Multicenter, Open Evaluation of the Safety of Chronic FLOLAN Infusions Plus Conventional therapy in Patients with Severe Primary Pulmonary Hypertension: A Continuation Study".
- 02-27-92  
110 Amended IND to register the following investigators to conduct clinical study 46, "Multicenter, Open-Label, Randomized, Parallel Comparison of the Safety and Efficacy of Chronic FLOLAN Infusions Plus Conventional Therapy to Conventional Therapy alone in Patients with Severe Primary Pulmonary Hypertension: A Twelve-Week Study"
- Bruce Brundage, M.D. Barry Uretsky, M.D.  
Michael McGoon, M.D. Warren Summer, M.D.  
Srinivas Murali, M.D., FACC, FACP
- 5 Mar 92 Telephone call to FDA regarding the death of patient #15999 (MVP) who experienced a pneumothorax secondary to an attempted Schwann-Ganz catheterization and subsequently expired while being treated under protocol 46 by Dr. Michael McGoon.
- 03-17-92  
111 Amended IND to register David Langleben, M.D., Montreal, Canada as an investigator for clinical study 46, "A Multicenter, Open-Label, Randomized, Parallel Comparison of the Safety and Efficacy of Chronic FLOLAN Infusions Plus Conventional Therapy to Conventional Therapy alone in Patients with Severe Primary Pulmonary Hypertension: A Twelve-Week Study".
- 03-31-92  
112 In reference to telephone conversation of March 5, 1992, submitted IND Safety Report on patient #15999 (MVP) who experienced a pneumothorax secondary to an attempted Schwann-Ganz catheterization and subsequently expired while being treated under protocol 46.

- 04-01-92 Amended IND to register Spencer Koerner, M.D., and Nicholas  
113 Hill, M.D. as investigators to conduct clinical study 46, "A Multicenter, Open-Label, Randomized, Parallel Comparison of the Safety and Efficacy of Chronic FLOLAN Infusions Plus Conventional Therapy to Conventional Therapy alone in Patients with Severe Primary Pulmonary Hypertension: A Twelve-Week Study" and Victor Tapson, M.D., David Badesch, M.D., Bertron Groves, M.D. and Stuart Rich, M.D. as investigators to conduct clinical study 47, "A Multicenter, Open-Evaluation of the Safety of Chronic FLOLAN Infusions Plus Conventional Therapy in Patients with Severe Primary Pulmonary Hypertension: A continuation Study".
- 04-21-92 Amended IND to register Cesar Keller, M.D. as a investigator to  
114 conduct clinical study 46, "A Multicenter, Open-Label, Randomized, Parallel Comparison of the Safety and Efficacy of Chronic FLOLAN Infusions Plus Conventional Therapy to Conventional Therapy alone in Patients with Severe Primary Pulmonary Hypertension: A Twelve-Week Study" and William Clarke, M.D. as a investigator to conduct clinical study 47, "A Multicenter, Open-Evaluation of the Safety of Chronic FLOLAN Infusions Plus Conventional Therapy in Patients with Severe Primary Pulmonary Hypertension: A continuation Study".
- 20 May 92 Telephone call from FDA indicating that they would like a new  
NDA submitted for treatment of PPH and that we should resubmit all data rather than cross reference the hemodialysis NDA.
- 06-04-92 Amended Dr. Nicholas Hill's Form FDA 1572 to include James  
115 Klinger, M.D. as a subinvestigator to conduct clinical study 46, "A Multicenter, Open-Label, Randomized, Parallel Comparison of the Safety and Efficacy of Chronic FLOLAN Infusions Plus Conventional Therapy to Conventional Therapy alone in Patients with Severe Primary Pulmonary Hypertension: A Twelve-Week Study" and to register Bruce Brundage, M.D., Edgar Caldwell, M.D., Nicholas Hill, M.D., Srinivas Murali, M.D., and Barry Uretsky, M.D. as investigators to conduct clinical study 47, "A Multicenter, Open-Evaluation of the Safety of Chronic FLOLAN Infusions Plus Conventional Therapy in Patients with Severe Primary Pulmonary Hypertension: A Continuation Study".
- 06-11-92 In reference to meeting with FDA on August 19, 1991 and  
116 telephone conversation on May 22, 1992, submitted the following genetic toxicology study reports:
- Evaluation of U-53,217A in the Salmonella/Microsome Test (Ames Assay) (Doc. 7200/81/7263/001).
- The Micronucleus Test with Prostacyclin (U-53,217A) (Doc. 0013/81/7263/002).
- Evaluation of U-53,217A (PGI<sub>2</sub>) in the DNA Damage/Alkaline Elution Assay (Doc. 7263/80/7263/023).

- 07-28-92 Amended IND to register Edgar Caldwell, M.D. as an  
117 investigator to conduct clinical study 37, "Open Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in Patients with Primary Pulmonary Hypertension" and Spencer Koerner, M.D., Cesar Keller, M.D., Michael McGoon, M.D. and Neil Ettinger, M.D. as investigators to conduct clinical study 47, "A Multicenter, Open-Evaluation of the Safety of Chronic FLOLAN Infusions Plus Conventional Therapy in Patients with Severe Primary Pulmonary Hypertension: A Continuation Study."
- 11 Aug 92 Telephone call from FDA, in response to our 10 Aug 92 telephone call, advising that summary data regarding preliminary survival results of our exercise tolerance study 46 be submitted for their review prior to any telephone discussion.
- 08-14-92 In reference to telephone conversation with FDA on August 11,  
118 1992, submitted preliminary survival and exercise tolerance data which had recently become available from protocol 46, "A Multicenter, Open-Label, Randomized, Parallel, Controlled Comparison of FLOLAN plus Conventional Therapy to Conventional Therapy Alone in Patients with Severe, Primary Pulmonary Hypertension".
- 10 Aug 92 Telephone call to FDA informing them that our exercise tolerance study 46 was nearing completion and that preliminary survival results would be available by 13 Aug 92 and requesting their review of this data via telephone.
- 08-14-92 Letter from FDA to solicit our cooperation in establishing a single database containing ambulatory blood pressure measurements obtained from hypertensive patients receiving placebo in randomized clinical trials.
- 08-20-92 Amended IND to provide for clinical study 49, "A Multicenter,  
119 Open Evaluation of the Safety of Chronic FLOLAN Infusions Plus Conventional Therapy in Patients with Severe Primary Pulmonary Hypertension: A Safety Study". Submitted an amended Form FDA 1572 for Dr. Neil Ettinger (previously submitted December 13, 1991 for protocol 46) who will be conducting this study. Study sites for this study will be limited to those investigators previously registered for protocol 46.
- 09-22-92 Amended IND to register Bennett deBoisBlanc, M.D. as an  
121 investigator for clinical study 47 and Victor Tapson, M.D. as an investigator for clinical study 49.
- 09-25-92 Amended IND to provide for the use of a single vial formulation  
120 of FLOLAN Injection, 0.5 mg and 1.5 mg, in clinical trials.
- 09-25-92 Letter to FDA to confirm the meeting to be held on October 6,  
122 1992. As requested, submitted a complete statistical package for protocol 46, additional background information and an agenda for the meeting.
- 10-01-92 Telephone call to FDA to discuss an upcoming FLOLAN meeting.



- 6 Oct 92 Minutes of meeting with FDA to discuss 1) the clinical results from protocol 46, 2) the update on patients that were enrolled in protocol 45 and 47, 3) and their comments and suggestions regarding the TIND.
- 10-19-92 Letter from FDA requesting an Annual progress report.
- 10-20-92 Amended IND to register David Langleben, M.D., Montreal,  
123 Quebec, Canada as an investigator to conduct clinical study 47.
- 10-26-92 Telephone conversations with FDA to request their participation  
and in BW's Advisory Committee for the FLOLAN TIND; it was the  
10-29-92 ir opinion that it would be more appropriate if they just reviewed  
documents as they were provided under the IND.
- 10-29-92 Amended IND to register Syed Jafri, M.D. (who is replacing  
124 Mihai Gheorghiadu, M.D.) as an investigator to conduct clinical  
study 45 and to register the following investigators to conduct  
clinical study 49:
- David Badesch, M.D., FACP, FCCP  
Bertron Groves, M.D.  
William Clarke, M.D.  
Stuart Rich, M.D.  
Bruce Brundage, M.D.  
Lewis Rubin, M.D.  
Robyn Barst, M.D.
- 11-10-92 Amended IND to register Dr. David Langleben, Montreal,  
125 Quebec, Canada as an investigator to conduct clinical study 49.
- 11-20-92 As agreed in meeting with FDA on October 6, 1992, submitted a  
126 draft of the features required for the pump which will be used for  
chronic infusion of FLOLAN under our treatment IND.
- 11-25-92 Telephone call to FDA to report the death of patient #01103 who  
was being treated with FLOLAN under protocol 49; cause of  
death uncertain at this time.
- 12-09-92 Telephone call from FDA to discuss our pump specifications to be  
used for treatment of patients with PPH.
- 12-11-92 Telephone approval given to FDA authorizing them to refer to  
our IND on behalf of Robyn Barst, M.D., of New York, NY to  
support her IND41,252 for the treatment of a patient with  
pulmonary hypertension.
- 12-15-92 Amended protocol 47, "A Multicenter, Open Evaluation of the  
127 Safety of Chronic FLOLAN Infusions Plus Conventional Therapy  
in Patients with Severe Primary Pulmonary Hypertension: A  
Continuation Study", to provide for the use of the single vial  
formulation which is supported by our Chemistry,  
Manufacturing, and Control Amendment submitted  
September 25, 1992.
- 12-30-92 As agreed in the meeting of October 6, 1992, submitted to FDA  
128 for review a draft copy of the protocol for our planned Treatment  
IND for FLOLAN.

- 01-07-93 Amended IND to register Adaani Frost, M.D., who is replacing  
129 Cesar Keller, M.D. as principal investigator, to conduct clinical study 47 and Robert Bourge, M.D., Edgar Caldwell, M.D. and Adaani Frost, M.D. as investigators to conduct clinical study 49.
- 01-11-93 Telephone call to FDA regarding the status of their review of the  
TIND protocol.
- 01-12-93 Letter to FDA authorizing them to refer to our IND on behalf of  
130 Robyn Barst, M.D., of New York, NY to support her IND 41,252 for the treatment of a patient with pulmonary hypertension.
- 01-13-93 Telephone call to FDA with questions regarding the upcoming  
PPH NDA.
- 01-14-93 Amended the following protocols to provide for the use of the  
131 single vial formulation: 37, "A Multicenter Evaluation of the Effects of Chronic FLOLAN Infusions in Patients with Primary Pulmonary Hypertension" and 49, "A Multicenter, Open Evaluation of the Safety of Chronic FLOLAN Infusions Plus Conventional Therapy in Patients with Severe Primary Pulmonary Hypertension: A Safety Study".
- 01-15-93 Submitted to FDA copies of instructional videos ("Patient  
132 Information" and "The Clean Routine") and of same transcripts which will be used in educating patients entered into the Treatment IND protocol.
- 01-26-93 Telephone call to FDA to determine the status of their review of  
the proposed TIND protocol.
- 01-28-93 Telephone call from FDA to confirm that their review of the  
proposed TIND protocol would be completed by January 29,  
1993.
- 01-28-93 Telephone call to FDA to discuss the adverse events reported by  
patients receiving the new single vial FLOLAN product.
- 02-01-93 Telephone call to FDA to follow-up on the review process of the  
TIND protocol.
- 02-04-93 Telephone call to FDA to provide an updated status report on the  
adverse experiences reported by eight of the patients receiving  
the new single vial formulation.
- 02-11-93 Amended IND to register Christopher McGregor, M.B., Ch.B.,  
133 FRCS as an investigator to conduct clinical study 21 and to register Bennett de Boisblanc, M.D. and Srinivas Murali, M.D., FACC, FACP/Barry Uretsky, M.D. (Co-principal investigators) as investigators to conduct clinical study 49.
- 02-16-93 Panafax received from FDA with comments on CMC submission  
of September 25, 1992 providing for single vial formulation of  
FLOLAN.

- 02-18-93  
134 Amended IND to provide for revisions (to allow recording of hemodynamic measurements and vital signs for analysis of the efficacy and safety of the FLOLAN reformulation) to clinical study 49, "A Multicenter, Open Evaluation of the Safety of Chronic FLOLAN Infusion Plus Conventional Therapy in Patients with Severe Primary Pulmonary Hypertension: A Safety Study".
- 02-18-93 Letter received from FDA advising that the proposed treatment IND protocol is acceptable but that the study may not be initiated until a satisfactory response to chemistry issues raised in their February 16, 1993 letter relevant to safety is submitted. are resolved. A copy of this letter was panafaxed to us on February 17, 1993.
- 03-05-93  
135 In reference to telephone conversations with FDA on January 28 and February 4, 1993 and their letter of February 18, 1993, submitted to FDA a copy of our letter sent to investigators which summarized our findings documenting that the recent problems in some patients switched to the new formulation were not due to the new formulation, but were due to a variety of other factors which are preventable.
- 03-18-93  
136 Amended IND to register Michael McGoon, M.D., Nicholas Hill, M.D. and Spencer Koerner, M.D. as investigators to conduct clinical study 49.
- 04-05-93 Letter from FDA requesting an IND annual report.
- 04-16-93  
137 In reference to FDA's request of April 5, 1993, submitted an Annual Report for the period of April 1, 1991 through March 31, 1992 and submitted the revised Investigator's Brochure. Informed FDA of our intention in the future to submit INDs 16,459 and 38,609 as a combined IND Annual Report.
- 16 Apr 93 Telephone call to FDA to report the death of patient #02104 who was being treated under protocol 49 by Lewis Rubin, M.D.
- 10 Jun 93  
138 Amended IND to register Cesar Keller, M.D. as an investigator to conduct clinical study 49.
- 17 Jun 93  
139 Letter to FDA in reference to telephone conversation of 16 Apr 93, submitted an IND Safety Report for patient #02104 who experienced ventricular tachycardia and expired while being treated under protocol 49, "A Multicenter, Open Evaluation of the Safety of Chronic FLOLAN Infusions Plus Conventional Therapy in Patients with Primary Pulmonary Hypertension: A Safety Study ", being conducted by Dr. Lewis Rubin.
- 18 Jun 93 Telephone call to FDA to inform them of the termination of CHF study 48 by the DSMB; we assured FDA that this would not effect our plans for the PPH NDA.
- 28 Jun 93 Telephone call from FDA requesting the emergency treatment of a patient with severe PPH secondary to Lupus erythematosus under an investigator IND.

- 29 Jun 93 Telephone call to FDA in response to their request of 28 Jun 93 regarding our willingness to provide FLOLAN to a patient with severe PPH secondary to Lupus erythematosus under an investigator IND.
- 7 Jul 93 Letter to FDA in response to their letter of 16 Feb 93 with  
140 questions concerning the chemistry, manufacturing and controls data for the new single vial formulation in our amendment dated 25 Sep 92. Notified FDA that development of the single vial formulation has been discontinued.
- 9 Jul 93 Letter to FDA amending the IND to provide for Greenville, NC  
141 as an additional manufacturing site of the Sterile Diluent for FLOLAN for use in clinical trials.
- 9 Jul 93 Telephone call to FDA to report that Patient #15105 experienced acute pulmonary congestion and Patient #01102 experienced temporary blurry vision associated with a headache while enrolled under protocol 49.
- 19 Jul 93 Amended IND to provide for clinical study 50, "A Multicenter, Open, Compassionate-Use Protocol to Provide Chronic FLOLAN Infusions Plus Conventional Therapy to Patients with Severe Primary Pulmonary Hypertension", to be conducted by Bertron Groves, M.D. and David Badesch, M.D.  
143
- 20 Jul 93 Amended IND to register Henry Mizgala, M.D., FRCP,  
144 Vancouver, British Columbia, Canada as an investigator to conduct clinical study 49.
- 24 Aug 93 Amended IND to register Stuart Rich, M.D., Neil Ettinger, M.D.  
145 and Adaani Frost, M.D. as investigators to conduct clinical study 50.
- 27 Aug 93 Letter to FDA submitting an Annual Report for the period 1 Apr  
146 92 through 31 March 93.
- 2 Sep 93 Amended IND to register Robert Bourge, M.D. as an investigator  
147 to conduct clinical study 21 and to register Spencer Koerner, M.D. as an investigator to conduct clinical study 50.
- 9 Sep 93 Letter to FDA, in reference to telephone conversation on 2 Sep 93,  
148 requesting a meeting with FDA during the week of 18 October 93 to discuss the NDA filing strategy and to address the manufacturing and controls data intended to support the filing.
- 9 Sep 93 Telephone call to FDA to request a meeting with FDA to discuss  
Chemistry, Manufacturing and Control issues regarding our planned NDA and to update them on our plans regarding the single vial formulation, NDA strategy and the Compassionate Use Trial v. Treatment IND.
- 23 Sep 93 Amended IND to register William Clarke, M.D. as an investigator  
149 to conduct clinical study 50.
- 23 Sep 93 Telephone call from FDA to advise that the meeting we requested on 9 Sep 93 to discuss CMC issues in connection with our proposed NDA has been scheduled for 15 Nov 93.

- 30 Sep 93 150 Amended IND to provide for revisions (amendment #1, to allow those patients in continuation protocols 37, 47, and 49 to be enrolled in protocol 50) to clinical study 50. .
- 8 Oct 93 Letter from The Upjohn Company along with a copy of their letter from FDA granting them approval to export epoprostenol sodium to Spain.
- 15 Oct 93 151 Amended IND to register Robyn Barst, M.D., Cesar Keller, M.D., and Edgar Caldwell, M.D. as investigators to conduct clinical study 50.
- 25 Oct 93 Telephone call to FDA to confirm the meeting scheduled for 15 Nov 93 and to inform them that background data for the meeting would be sent this week.
- 27 Oct 93 152 Amended IND to register Michael McGoon, M.D. as an investigator to conduct clinical study 50.
- 29 Oct 93 153 Letter to FDA, in reference to telephone conversations on 9 and 23 Sep 93 and 25 Oct 93 concerning our request for a meeting to discuss our upcoming NDA, submitting nine copies of summary information of the chemistry, manufacturing, and controls data for pre-meeting review by the attendees and a revised agenda for the 15 Nov 93 meeting.
- 19 Nov 93 154 Amended IND to register Bruce Brundage, M.D. and Lewis Rubin, M.D. as investigators to conduct clinical study 50.
- 23 Nov 93 155 Letter to FDA submitting minutes from the 15 Nov 93 meeting and a full copy of the information presented.
- 29 Nov 93 156 Letter to FDA submitting an IND Safety Report for patient #89 who developed severe hypotension and died after discontinuing FLOLAN while enrolled in clinical study 21, being conducted by Dr. Robyn Barst; also submitted a copy of the Dear Dr. letter addressing this experience.
- 10 Dec 93 157 Letter to FDA submitting stability data and data supporting the reconstitution and dilution studies to be evaluated for their acceptability for filing in the NDA as requested in the meeting held on 15 Nov 93.
- 12 Jan 94 158 Amended IND to register Nicholas Hill, M.D. and Robert Bourge, M.D. as investigators to conduct clinical study 50.
- 14 Jan 94 159 Letter to FDA, in reference to telephone conversation of 7 Jan 94, submitting an IND Safety Report for patient #09205, who experienced hypotension while enrolled in study 50, being conducted by Dr. Bruce Brundage. Also submitted a copy of the Dear Dr. letter pertaining to this incident.
- 14 Jan 94 160 Amended IND to provide for revisions (amendment #2) to clinical study 50.
- 1 Feb 94 Letter from FDA with requests regarding our 10 December 93 submission which provided stability data and data supporting the reconstitution and dilution studies.

- 9 Feb 94 Amended IND to register Srinivas Murali, M.D. and Barry  
161 Uretsky, M.D. as co-principal investigators to conduct clinical  
study 50.
- 17 Feb 94 Letter to FDA submitting our response to comments contained in  
162 their 1 February 1994 letter regarding our 10 December 93  
submission.
- 28 Feb 94 Letter to FDA submitting the final report for an ongoing  
163 reconstitution study in response to FDA's comments in their 1  
Feb 94 letter regarding our amendment of 10 Dec 93 providing  
stability data and data supporting the reconstitution and dilution  
studies. This data was also included in the NDA submitted on 28  
Feb 94.
- 1 Mar 94 Amended IND to register Jay Fricker, M.D. as an investigator to  
164 conduct clinical study 50.
- 3 Mar 94 Letter to FDA submitting a "Summary of the Pharmaceuticals,  
165 Clinical Pharmacology and Preclinical Pharmacology" on the  
single-vial formulation used in clinical trials for treating patients  
with PPH. This summary was incorporated by reference to NDA  
20-444 as agreed in our meeting with FDA on 15 Nov 93.
- 31 Mar 94 Letter to FDA, in reference to telephone conversation of 22 Mar  
166 94, submitting IND Safety Reports for two patients who were  
enrolled in protocol 50: Patient #17111 who experienced a  
cardiac arrest and subsequently expired while being treated by  
Dr. Adaani Frost; and Patient #01011 who experienced  
hemothorax and expired while being treated by Dr. Robyn Barst.
- 31 Mar 94 Amended IND to register David Langleben, M.D., Montreal,  
167 Quebec, Canada as an investigator to conduct clinical study 50.
- 6 Apr 94 Amended IND to register Bennett deBoisblanc, M.D. as an  
168 investigator to conduct clinical study 50.
- 11 Apr 94 Amended IND to register Victor Tapson, M.D. as an investigator  
169 to conduct clinical study 50.
- 11 Apr 94 Letter to FDA submitting an adverse event report involving the  
CADD-1 portable infusion pump as a follow-up to our IND  
Safety Report submitted on 31 Mar 94.
- 22 Apr 94 Telephone call from FDA to inform us of a request from Dr.  
Robert Baker to treat a patient with pulmonary hypertension.
- 26 Apr 94 Amended IND to register David Badesch, M.D. as a co-principal  
170 investigator with Bertron Groves, M.D. to conduct clinical study  
21.
- 29 Apr 94 Letter to FDA, submitting an IND Safety Report for patient  
171 #16201 who experienced intrapulmonary hemorrhage and died  
while enrolled in protocol 50, being conducted by Dr. David  
Langleben.
- 3 May 94 Amended IND to register David Ostrow, M.D., Vancouver,  
172 British Columbia, Canada to conduct clinical study 50.

- 11 May 94 173 Letter to FDA, in reference to telephone conversation of 29 Apr 94, submitting an IND Safety Report for patient #01113 who died suddenly while enrolled in study 50, being conducted by Dr. Robyn Barst.
- 25 May 94 Telephone call from FDA regarding a Congressional inquiry concerning a request which BW had denied for treatment of a patient (CH) with PPH due to the potential risks to the patient being greater than the possible benefits. Two conference calls on this same date resulted in BW agreeing to confer with the investigator, Stuart Rich, M.D. following a further evaluation of the patient's condition.
- 1 Jun 94 174 Letter to FDA, in reference to telephone conversation on 24 May 94, submitting an IND Safety Report for patient #10202 who experienced a transient ischemic attack while enrolled in study 50, being conducted by Nicholas Hill, M.D. Also, as requested, submitted the pulmonary artery pressure results at catheterization and a copy of the letter to investigators addressing this experience.
- 11 Jul 94 175 Letter to FDA submitting an Annual Report for the period 1 Apr 93 through 31 Mar 94.
- 5 Aug 94 176 Letter to FDA submitting an IND Safety Report for patient #04204 who experienced a migraine headache while enrolled in clinical study 50, being conducted by Edgar Caldwell, M.D.
- 1 Nov 94 Telephone call to FDA to discuss the Dr. Stuart Rich's (investigator) request to treat a female patient with PPH, who is pregnant, under protocol 50. FDA approved the treatment exception providing that an IRB-approval and a signed informed consent form were required from the patient.
- 8 Nov 94 Telephone call to FDA to provide a summary on a patient who experienced bradycardia, syncope and died while being treated on a compassionate basis in Japan.
- 23 Nov 94 177 Letter to FDA, in reference to telephone conversation of 8 Nov 94, submitting an IND Safety Report for patient N-Y who experienced fatal bradycardia while being treated on a compassionate basis in Japan.
- 1 Dec 94 178 Letter to FDA submitting an IND Safety Report for patient #14201 who experienced post operative bleeding while enrolled in clinical study 50, being conducted by William Clarke, M.D.
- 17 Jan 95 179 Letter to FDA submitting an IND Safety Report for patient #17112 who experienced suspected anaphylaxis to streptokinase and subsequently died while enrolled in protocol 50, being conducted by Dr. Adaani Frost.
- 31 Mar 95 180 Letter to FDA, in reference to the IND Safety Report submitted on 17 Jan 95, submitting the provisional autopsy report for patient #17112 who experienced suspected anaphylaxis to streptokinase and subsequently died while enrolled in protocol 50.

- 11 Apr 95 Letter to FDA, in reference to telephone conversation of 4 Apr 95,  
181 submitting an IND Safety Report for patient #13205 who developed a hemopneumothorax during Hickman catheter replacement due to acinetobacter infection and subsequently died while enrolled under protocol 50, being conducted by Dr. Srinivas Murali. In addition, submitted an IND Safety Report for patient #17202 who developed a hemothorax during Hickman catheter replacement to alleviate recurrent line while enrolled under protocol 50, being conducted by Dr. Adaani Frost.
- 8 May 95 Letter to FDA submitting an IND Safety Report for patient  
182 #07201 who experienced bacteremia with related immune-complex glomerulonephritis while enrolled in protocol 50, being conducted by David Badesch, M.D.
- 10 May 95 Telephone call to FDA to inform of the death of patient #09244  
who was being treated under protocol 50.
- 17 May 95 Letter to FDA submitting an IND Safety Report for patient  
183 #15211 who experienced pulmonary edema while enrolled in protocol 50, being conducted by Michael McGoon, M.D.
- 18 May 95 Letter to FDA submitting an IND Safety Report for patient  
184 #09244 who experienced hypotension and subsequently expired while enrolled in protocol 50, being conducted by Dr. Bruce Brundage.
- 16 Jun 95 Telephone call to FDA to report an adverse event for a patient  
enrolled under protocol 21.
- 19 Jun 95 Letter to FDA submitting an IND Safety Report for patient  
185 #07006 who bled intermittently from the catheter insertion site, over a three day period following Hickman catheter replacement, while enrolled in protocol 50, being conducted by Dr. David Badesch.
- 22 Jun 95 Telephone call to FDA to report that patient #02218 experienced  
endocarditis and subsequently died while being treated under protocol 050.
- 27 Jun 95 Letter to FDA in reference to telephone conversations of 16 and  
186 22 Jun 95, submitting an IND Safety Report for patient #82 who experienced increased shunting with hypoxemia while enrolled in protocol 21, being conducted by Dr. Berton Groves and for patient #02218 who experienced endocarditis while enrolled in protocol 50, being conducted by Dr. Lewis Rubin.
- 28 Jun 95 Amended IND to register Brad Warner, M.D. as an investigator to  
187 conduct clinical study 21.
- 14 Aug 95 Letter to FDA, in reference to our 15 Oct 95 submission  
188 registering Dr. Robyn Barst of Columbia Presbyterian Babies Hospital for protocol 50, informing them of the addition of Quantum Health Resources, 150 Lake Dr., Wexford PA as a Contract Research Organization for distribution of CTM and related supplies to Columbia Presbyterian Babies Hospital.



- 25 Feb 94 Submitted user fee for this NDA.
- 28 Feb 94 Submitted an Original New Drug Application to provide for use in the treatment of primary pulmonary hypertension (PPH).
- 28 Feb 94 Submitted methods validation for the original NDA.
- 2 Mar 94 Telephone conversation with FDA to discuss the biopharmaceutics/pharmacokinetics reviewer's request for stereospecific pharmacokinetic information.
- 8 Mar 94 Letter from FDA acknowledging receipt of our NDA submitted; if accepted, 28 February 1994; stated that 29 April 1994 will be the filing date.
- 11 Mar 94 Submitted a User Fee Cover Sheet to complete User Fee requirements for our primary pulmonary hypertension NDA submitted 28 February 1994.
- 30 Mar 94 Telephone call from FDA to request diskettes containing the SAS listings for pivotal studies 35/36 and 46.
- 31 Mar 94 Telephone call from FDA to request 1) Normal Values for pulmonary hemodynamics from two hospitals used in the pivotal trials (studies 35/36/46); 2) a definition of Wood Units as a measure of vascular resistance; 3) a clear description of the randomization procedure used in Study 46.
- 6 Apr 94 As requested by FDA in 30 March 1994 telephone conversation, submitted diskettes containing SAS listings for studies 35/36 and 46 along with hard copies of the annotated case report for each study and the phase/phase sequence/subset list.
- 7 Apr 94 In response to FDA telephone requests on 31 March 1994, submitted, 1) normal values for pulmonary hemodynamics from two hospitals used in the pivotal trials (studies 35/36/46); 2) a definition of Wood Units as a measure of vascular resistance; 3) a clear description of the randomization procedure used in Study 46.
- 8 Apr 94 Telephone call from FDA to request a meeting on 14 April 1994, to discuss FDA concerns, re: the Human Pharmacokinetics, Chemistry and Microbiology sections of our NDA.
- 14 Apr 94 Minutes of meeting with FDA to discuss NDA filing issues.
- 15 Apr 94 Telephone call to FDA to provide information regarding patients in Study 46 who received "Dartford" manufactured drug vx. "Upjohn" manufactured drug.
- 20 Apr 94 As requested by FDA in 14 April 1994 meeting, submitted "A Summary of the Use of Epoprostenol Sodium Synthesized by Wellcome Research Laboratories (Dartford, England) in Study 46" (Document No. THZZ/94/0185).
- 21 Apr 94 Received by panafax from FDA, a request for additional information needed for the NDA microbiology review.
- 22 Apr 94 Telephone call from FDA to request 1) a copy of the "Adaptive Randomization Computer Program" used for Study 46, and 2) patient identifiers used for the randomization code.

- 22 Apr 94 As requested in meeting with FDA on 14 April 1994, submitted "Rationale for Waiver of Human Pharmacokinetics and Bioavailability Requirements for FLOLAN (epoprostenol sodium) for Injection".
- 25 Apr 94 As requested by FDA in 22 April 1994 telephone call, submitted a copy of the "Adaptive Randomization Computer Program" used for the randomization procedure in Study 46; a copy of this randomization procedure was previously submitted on 11 November 1991 to our IND 16,459.
- 29 Apr 94 Submitted a summary of a telephone conference call with FDA on 20 April 1994, concerning our proposed stability data package and the microbiological review of our NDA.
- 29 Apr 94 Submitted responses to microbiology questions contained in the FDA letter received by telefacsimile on 21 February 1994; a field copy was also provided to the local FDA district office.
- 29 Apr 94 Telephone call to FDA in which the FDA confirmed that the NDA was accepted for filing this date.
- 4 May 94 Telephone call from FDA to request 1) an electronic and hard copy of the actual randomization program, 2) procedure for implementation, and 3) randomization code.
- 6 May 94 Letter from FDA with recommendations and requests concerning the environmental assessment submitted 28 February 1994.
- 6 May 94 As requested by FDA in 4 May 1994 telephone conversation, submitted diskettes containing the source code and the compiled code for the randomization program, and provided documentation describing the randomization procedure.
- 9 May 94 Letter from FDA requesting clarification on points relating to the NDA statistical review.
- 16 May 94 Telephone call from FDA's Compliance Division to request information to use in preparing for the clinical inspections in connection with our NDA.
- 17 May 94 Telephone call from FDA's Compliance Division requesting additional information for clinical inspections.
- 17 May 94 As requested in 16 May 1994 telephone conversation, panafaxed to FDA tables which provide a list of investigators for NDA studies 35, 36 and 46.
- 14 Apr 94 Minutes of meeting with FDA concerning the NDA Manufacturing and Control, including Microbiology (Item 3), and Human Pharmacokinetics (Item 6) data.
- 27 May 94 Submitted response to FDA letter of 9 May 1994, concerning the NDA statistical review.
- 27 May 94 As requested by FDA in 16 and 17 May 1994 telephone conversations, submitted information for FDA's use in preparing for clinical inspections.
- 2 Jun 94 Telephone call to FDA to obtain clarification to questions 1.c and 3.e, in the 6 May 1994 environmental assessment deficiency letter.

7 Jul 94 Letter to FDA providing authorization from The Upjohn Company for B.W. Co. to reference their Drug Master File No. 5319.

27 Jul 94 Submitted the four month safety update.

28 Jul 94 As requested by FDA in 26 July 1994 telephone call, submitted case report forms for patients in Study 46 who died or were transplanted.

1 Aug 94 Letter from FDA questions and requests concerning the NDA review.

3 Aug 94 Telephone call from FDA to request data tabulations of hemodynamic values collected in Study 46 for each study site and all patients.

5 Aug 94 As requested by FDA in 3 August 1994 telephone call, submitted data tabulations of hemodynamic values for each study site and all patients in study 46.

23 Aug 94 Submitted responses to FDA questions in their 1 August 1994 letter, re: NDA review.

14 Sep 94 Submitted a revised Environmental Assessment and our response to FDA comments contained in 6 May 1994 letter.

16 Sep 94 Submitted updated stability data as committed to 20 April 1994 telephone conference with FDA and our 29 April 1994 submission.

16 Sep 94 Telephone call from FDA's Compliance Division to request, after discussions with the Medical Officer, additional analysis of adverse drug reactions which occurred during the dose-ranging segment of Study 46.

23 Sep 94 Letter from FDA requesting information pertinent to the NDA clinical and statistical review.

23 Sep 94 Letter from FDA stating that our 14 September 1994 Environmental Assessment submission is considered a major amendment and that 60 additional days will be required to complete the NDA review.

23 Sep 94 Telephone call from FDA to review the status of our responses to their requests, re: stability update, and the Upjohn response to Drug Master File deficiencies.

28 Sep 94 Telephone call to FDA to obtain clarification of their requests in their 23 September 1994 letter, re: clinical and statistical information pertinent to the NDA review.

3 Oct 94 Telephone call from FDA to provide comments concerning the revised Environmental Assessment submitted 14 September 1994.

4 Oct 94 As requested by FDA in 16 September 1994 telephone conversation, submitted additional analyses of adverse drug reactions which occurred in the dose-ranging segment of study 46.

- 6 Oct 94 As requested by FDA in 3 October 1994 telephone conversation, provided replacement pages 1-4 and 7 of the Environmental Assessment submitted 14 September 1994.
- 17 Oct 94 Received by panafax from FDA, letter requesting additional or clarifying information to support the sterilization process validation information portion of our NDA.
- 20 Oct 94 Telephone call from FDA to advise that Flolan had been placed on the agenda for the 23-24 February 1995 Cardio-Renal Advisory Committee.
- 27 Oct 94 Letter to FDA requesting a meeting to discuss the Flolan Advisory Committee meeting scheduled for 23-24 February 1995.
- 28 Oct 94 As requested by FDA in 23 September 1994 telephone call, submitted additional clinical and statistical information for the NDA review.
- 1 Nov 94 Letter from FDA stating that the additional NDA clinical and statistical information submitted 28 October 1994, is considered a major amendment and the regulatory due date has been extended to 25 March 1995; the due date under the Prescription User Fee Act of 1992 remains 27 February 1995 .
- 10 Nov 94 Letter from FDA stating that the medical review of our NDA is complete and contact will be made to arrange a meeting to discuss the application and the Advisory Committee meeting which is scheduled for February. (Copies of medical and statistical reviews attached.)
- 10 Nov 94 Telephone call from FDA to report that BW Co. will be receiving a letter with review comments on the clinical section of the NDA, and they wish to schedule a meeting to discuss the comments.
- 18 Nov 94 Telephone conversation with FDA to discuss the NDA review; agreed that a meeting between BW and FDA should be held prior to the advisory committee meeting.
- 23 Nov 94 Letter to FDA confirming our 5 December 1994 meeting with the Division of Gastrointestinal and Coagulation; also included a proposed agenda and the list of BW attendees.
- 6 Dec 94 Letter from FDA requesting copies of Case Report Forms for the patients who were transplanted or withdrew from Study 49 and Study 50.
- 8 Dec 94 Telephone call from FDA to relay information that should be included in BW's package to the Advisory Committee, and what our presentations should be.
- 8 Dec 94 Telephone call from FDA to state that the diskette (dated October 1994) containing survival data for Studies 35/36, 37, 46 and 47, and the NIH registry is not readable; requested a new diskette in SAS PC format with additional information for Study 35/36, and detailed instructions on how to read the diskette.
- 12 Dec 94 As agreed in meeting with FDA on 5 December 1994, submitted responses to questions/comments resulting from the Medical Review of our NDA.

- 13 Dec 94 Telephone conversations with FDA Statistician concerning his request for a new diskett, in SAS PC format, containing survival data.
- 14 Dec 94 Letter from FDA with comments and requests concerning the NDA statistical review.
- 23 Dec 94 As requested by FDA in 6 December 1994 letter, submitted case report forms for patients who were transplanted or withdrew from Study 49 and Study 50.
- 23 Dec 94 Received by panafax, a copy of a letter The Upjohn Company received from the FDA advising that the Detroit District has recommended that the Center for Drug Evaluation and Research to approve the NDA.
- 5 Jan 95 Panafax received from FDA with additional statistical request for Studies 49 and 50.
- 11 Jan 95 Telephone call from FDA (11th) to request a meeting with BW on  
and 30 January to demonstrate the randomization program used in  
Study 46 of the NDA clinical trials., follow-up telephone call  
12 Jan 95 from FDA (12th) to state that the Division Director approves of  
copies of the summary package being forwarded to the Advisory  
Committee prior to his comments.
- 11 Jan 95 Letter from FDA requesting additional information for studies 49  
and 50, to complete the NDA statistical review.
- 12 Jan 95 FDA Medical Reviewer comments of our 120-day Safety Update.
- 12 Jan 95 As discussed, submitted a draft of our Advisory Committee  
summary to the FDA for review and comment.
- 19 Jan 95 Received by panafax from FDA a letter requesting information  
pertinent to the NDA statistical review.
- 23 Jan 95 Telephone call from FDA to advise that review of our proposed  
Advisory Committee package has been completed.
- 24 Jan 95 Submitted response to FDA's 17 January 1995 request for  
information to complete the NDA statistical review.
- 25 Jan 95 Submitted a replacement diskette for diskette #1, entitled  
"Randomization program used in FLOLAN Study 46 with an  
empty data file, PAT46.DBF", originally submitted 24 January  
1995 in response to their 17 January 1995 request.
- 25 Jan 95 As requested, submitted to FDA's District Office a copy of the  
original randomization program used in Study 46 and the  
version of program in which the study was written.
- 25 Jan 95 Telephone call to FDA to advise that requested diskettes for the  
randomization program has been forwarded, and BW Co. has  
received FDA comments concerning review of the Advisory  
Committee package.
- 27 Jan 95 Submitted response to FDA comments in letter of 17 October  
1994, re: sterilization process validation provided in our original  
NDA. (A field copy was provided to the local FDA District  
Office.)

31 Jan 95 Telephone call to FDA to confirm their use of PPH data replacement diskettes submitted 25 January 1995.

1 Feb 95 Received by panafax from FDA Advisory Committee draft questions concerning NDA Studies 35/36 and 46.

1 Feb 95 Telephone call to FDA in response to FDA questions in 31 January 1995 telephone conversation, re: diskette version of randomization program.

2 Feb 95 Submitted by reference, update from Upjohn's Drug Master File 6065 data for Epoprostenol Sodium to our NDA.

3 Feb 95 Panafaxed to FDA, our comments to their draft questions received 1 February 1995.

3 Feb 95 Telephone call from FDA to request a diskette copy of our package insert in Word Perfect format.

6 Feb 95 As requested by FDA in 3 February 1995 telephone call, provided a diskette copy in Word Perfect format of the package insert identical to the insert submitted with the New Drug Application.

6 Feb 95 Provided a summary package to FDA to use in preparing for the 23 February 1995 Cardio-Renal Advisory Committee meeting.

9 Feb 95 Copies of final medical and statistical reviews picked up at FDA.

13 Feb 95 Telephone call to FDA to request meetings to resolve their concerns regarding validation of the randomization program used in Study 46, and to correct factual errors identified in the NDA review.

14 Feb 95 Telephone call from FDA to advise that a meeting is scheduled for 16 February 1995 to discuss issues related to the Advisory Committee.

14 Feb 95 Follow-up telephone call from FDA to request the purpose for the 16 February 1995 meeting between FDA/BW Co. scheduled prior to the Advisory Meeting.

14 Feb 95 Telephone call to FDA to request a meeting with the statisticians to discuss the adaptive randomization program.

15 Feb 95 Telephone call from FDA to postpone the 16 February 1995 meeting until 21 February 1995.

15 Feb 95 Telephone call from FDA to advise that a Statistical Meeting is scheduled for 21 February 1995, following the scheduled FDA/BW Co. meeting.

15 Feb 95 Return telephone call to FDA to discuss a meeting time with the statisticians to discuss the NDA.

23 Feb 95 Copy of questions presented to the Cardiovascular and Renal  
and Drugs Advisory Committee members and their responses  
discussed during their 23 and 24 February 1995 meeting; also  
24 Feb 95 included are materials presented to the Advisory Committee  
members to support approval for the NDA.

- 6 Mar 95 Telephone call from FDA to request a background history of Patient 01012 entered into Study 46, and to confirm that BW is preparing a revised package insert, based on Advisory Committee comments; also discussed the status of the Chemistry Manufacturing and Controls, Microbiology, Pharmacology and Biopharmaceutics review.
- 6 Mar 95 Letter from FDA stating that the NDA chemistry, manufacturing and controls review is completed; requested explanations for questions concerning the drug substance and product.
- 13 Mar 95 Telephone conversation with FDA concerning the status of a PAI inspection at the Greenville facility for the manufacture of the Sterile Diluent.
- 16 Mar 95 Telephone call from FDA concerning the status of Patient 01012 background history and the revised package insert, requested in their 6 March 1995 telephone call.
- 17 Mar 95 Telephone call to FDA to advise that the background history of Patient 01012 (Study 46), and the revised labeling is in preparation.
- 20 Mar 95 Submitted revised draft package insert with revisions based upon the Advisory Committee recommendations.
- 21 Mar 95 As requested by FDA in 6 March 1995 conversation, submitted the clinical case history of Patient 01012 entered in Study 46.
- 31 Mar 95 Telephone call from FDA to advise that a second deficiency letter with additional comments/questions has been forwarded to Upjohn on their Drug Master File.
- 10 Apr 95 Submitted response to the Chemistry, Manufacturing, and Controls comments in the 6 March 1995 letter from FDA.
- 12 Apr 95 As discussed with FDA in 12 April 1995 telephone conversation, submitted final printed container labeling for FLOLAN and the accompanying Sterile Diluent.
- 12 Apr 95 Telephone call from FDA to request data to support the acute and chronic dosing proposed in our labeling for children.
- 13 Apr 95 As requested in 12 April 1995 telephone conversation with FDA, submitted the demographic information (from clinical studies contained in our NDA) to support pediatric use of FLOLAN.
- 14 Apr 95 Minutes of a meeting with FDA to discuss specific items of the NDA.
- 20 Apr 95 As discussed in a 17 April 1995 telephone conversation with FDA, submitted a summary of mean change from baseline to maximum tolerated dose for each hemodynamic parameter in patients less than 16 years old (n=60) and greater than or equal to 16 years old (n=314) during acute dose ranging with FLOLAN.
- 20 Apr 95 As agreed in telephone conversation with FDA on 17 April 1995, submitted the corrected tables for a programming error in Study 46.

- 22 Apr 95 Received by panafax from FDA a draft letter stating that the product microbiological quality and sterility assurance information is complete and the sterilization process validation; requested a post-approval commitment.
- 24 Apr 95 Telephone call from FDA to request a post NDA commitment regarding the Microbiology section.
- 27 Apr 95 Telephone conference call with FDA in which the FDA requested a commitment from BW Co. to provide details of how the filter validation studies were conducted.
- 27 Apr 95 Provided by panafax to FDA a note stating that the patent information previously provided for our NDA should have included the 25 and 50 mg tablet strength, in addition to the 100, 150, 200 and 250 mg.
- 28 Apr 95 Letter from FDA listing their requests for filter validation information as discussed in the 27 April 1995 telephone conversation.
- 28 Apr 95 Letter from FDA with recommendations and requests pertaining to the NDA chemistry review.
- 28 Apr 95 As discussed with FDA in 12 April 1995 telephone conversation, submitted additional information in support of the pediatric indication for our NDA.
- 1 May 95 Telephone call from FDA to inform us that the NDA package had been sent to Dr. Temple's Office for his review and approval.
- 3 May 95 As discussed with FDA in 24 and 27 April 1995 telephone conversations, letter to FDA with a post-approval commitment to provide additional information concerning sterilization process validation information.
- 4 May 95 Letter from FDA requesting current NDA safety information.
- 5 May 95 Telephone call from FDA to request a safety update to our NDA.
- 9 May 95 Letter from FDA stating that our NDA is approvable; requested final printed labeling and our response to their 28 April 1995 request for additional chemistry information.
- 12 May 95 Letter to FDA stating that a response to their comments in the 9 May 1995 approvable letter will be submitted in the near future.
- 22 May 95 Submitted a revised draft package insert in response to the 9 May 1995 NDA approvable letter.
- 31 May 95 Telephone call from FDA to request the number of pediatric patients in the acute dose studies who had Primary Pulmonary Hypertension, and data to support the chronic benefit.
- 2 Jun 95 As requested, provided FDA with the number of patients who had primary pulmonary hypertension.
- 6 Jun 95 In response to the 9 May 1995 approvable letter, submitted final printed container labeling for FLOLAN and the accompanying Sterile Diluent.



- 7 Jun 95 In response to FDA telephone requested of 30 May 1995, submitted a copy of Protocol 46 and Protocol 47.
- 9 Jun 95 Submitted additional comments concerning placement of lot numbers and expiration dates on final printed container labeling.
- 9 Jun 95 Letter to FDA providing our response to their comments contained in 28 April 1995 letter.
- 22 Jun 95 Submitted the approval safety update.
- 7 Jul 95 Submitted the user fee payment to cover the balance of the application fee for review.
- 11 Jul 95 Telephone call from FDA requesting that we submit a new Methods Validation package to incorporate the revisions which have occurred as a result of the CMC review of the pending NDA.

24 Jul 95 Letter to FDA incorporating amended DMF from CIPJCH to NDA

27 Jul 95 Internal communication Dr Badeschi's request to tx pt @ CREST

9 Aug 95 Letter from FDA acknowledging receipt of 7/24/95 letter

22 Aug 95 Letter to FDA re training data in Table (HD 1 - chronic Admin) are correct

9 Sep 95 - Tel call from CSC that NDA signed by Dr Fried & deliver to Temple

all to FDA

15 Sep 95 - Temple had not completed review

20 Sep 95 approval

28 Sep 95 Letter to FDA amending Method 2 Validation pkg

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## **EXHIBIT 8**

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**PATENT TERM EXTENSION CALCULATIONS**  
for U.S. PATENT 4,338,325

## EXHIBIT 8 U.S. 4,338,325

### Patent Term Extension Calculations

**IND Effective Date:** 6/29/79

$6/29/79 - 7/6/82 = (1102)$

**Patent Issue Date:** 7/6/82

$7/6/82 - 12/31/82 = 187$

$1/1/83 - 12/31/83 = 365$

$1/1/84 - 12/31/84 = 366$

$1/1/85 - 12/31/85 = 365$

$1/1/86 - 12/31/86 = 365$

$1/1/87 - 12/31/87 = 365$

$1/1/88 - 12/31/88 = 366$

$1/1/89 - 12/31/89 = 365$

$1/1/90 - 12/31/90 = 365$

$1/1/91 - 12/31/91 = 365$

$1/1/92 - 12/31/92 = 366$

$1/1/93 - 12/31/93 = 365$

$1/1/94 - 2/27/94 = 58$

$4245 \times 0.5 = 2123 \text{ days}$

**NDA Submission Date:** 2/28/94

$2/28/94 - 12/31/94 = 307$

$1/1/95 - 9/20/95 = 263$

$570 \times 1 = 570 \text{ days}$

**NDA Approval Date:** 9/20/95

$2123 + 570 = 2693 \text{ days}$

### 2 year Limit on Extension

35 U.S.C. 156(g)(6)(C)

2 years

### Patent Term Extension + 17 yr Original Expiration

**Original Expiration 17years  
from Date of Issuance:**

7/6/99

$7/6/99 - 12/31/99 = 187$

$1/1/00 - 12/31/00 = 365$

$1/1/01 - 7/5/01 = 178$

**Original Expiration**

**+ 2 year Patent Term Extension:**

7/6/01

### 14 yr Cap from NDA Approval Date

**NDA Approval Date:**

9/20/95

$9/20/95 + 14 \text{ yrs} = 9/20/09$

**14 year Patent Term Cap Date:**

9/20/09

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**EXHIBIT 9**

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U.S. PATENT 4,335,139

# United States Patent [19]

Watts et al.

[11] 4,335,139

[45] Jun. 15, 1982

[54] PHARMACEUTICAL FORMULATIONS  
CONTAINING PROSTACYCLIN  
COMPOUNDS

[75] Inventors: Ian S. Watts, Sidcup; Peter H.  
Marsden, Dartford, both of England

[73] Assignee: Burroughs Wellcome Co., Research  
Triangle Park, N.C.

[21] Appl. No.: 182,054

[22] Filed: Aug. 28, 1980

## Related U.S. Application Data

[63] Continuation of Ser. No. 39,645, May 16, 1979, abandoned.

## [30] Foreign Application Priority Data

May 17, 1978 [GB] United Kingdom ..... 20175/78

[51] Int. Cl.<sup>3</sup> ..... A61K 31/34

[52] U.S. Cl. .... 424/285

[58] Field of Search ..... 424/305, 317, 285

## [56] References Cited

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2720999 11/1977 Fed. Rep. of Germany .

2351112 4/1977 France .

1489780 10/1977 United Kingdom .

1503447 3/1978 United Kingdom .

1504070 3/1978 United Kingdom .

1504437 3/1978 United Kingdom .

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Hayashi et al.—Chem. Abst., vol. 90 (1979), pp. 127, 526.

Shirley—Organic Chemistry (1964, Holt), pp. 535-536.

Finar—Organic Chemistry—3rd Edit. (Longmans, 1959), pp. 305-307.

Primary Examiner—Sam Rosen

Attorney, Agent, or Firm—Donald Brown

### [57] ABSTRACT

Stabilized pharmaceutical formulations of prostacyclin or certain analogues thereof comprising an amino acid buffer, optionally containing a base, and the preparation of such formulations.

34 Claims, No Drawings

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**EXHIBIT 10**

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U.S. PATENT 4,539,333

# United States Patent [19]

Moncada

[11] Patent Number: 4,539,333

[45] Date of Patent: Sep. 3, 1985

[54] PROSTACYCLIN, METHODS OF USING  
AND METHOD OF MAKING

[75] Inventor: Salvador Moncada, West Wickham,  
England

[73] Assignee: Burroughs Wellcome Co., Research  
Triangle Park, N.C.

[21] Appl. No.: 795,524

[22] Filed: May 10, 1977

## [30] Foreign Application Priority Data

May 11, 1976 [GB] United Kingdom ..... 19384  
Aug. 17, 1976 [GB] United Kingdom ..... 34151  
Sep. 3, 1976 [GB] United Kingdom ..... 36547

[51] Int. Cl.<sup>3</sup> ..... C12P 31/00; A61K 31/557;  
C07D 307/935

[52] U.S. Cl. .... 514/469; 435/63;  
549/465

[58] Field of Search ..... 260/346.22; 424/285;  
435/63; 549/465

## [56] References Cited

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4,158,667 6/1979 Axen ..... 562/503  
4,338,325 7/1982 Johnson et al. .... 549/465

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*Primary Examiner*—Henry R. Jiles

*Assistant Examiner*—Bernard I. Dentz

*Attorney, Agent, or Firm*—Donald Brown

## [57] ABSTRACT

Prostacyclin, its salts, biosynthesis and synthesis  
thereof, pharmaceutical formulations containing them,  
and their use in medicine.

34 Claims, No Drawings

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**EXHIBIT 11**

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U.S. PATENT 4,883,812



# United States Patent [19]

Moncada

[11] Patent Number: 4,883,812

[45] Date of Patent: \* Nov. 28, 1989

[54] TREATMENT OF HYPERTENSION USING PROSTACYCLIN

[75] Inventor: Salvador Moncada, West Wickham, England

[73] Assignee: Burroughs Wellcome Co., Research Triangle Park, N.C.

[\*] Notice: The portion of the term of this patent subsequent to Sep. 3, 2002 has been disclaimed.

[21] Appl. No.: 237,987

[22] Filed: Aug. 29, 1988

## Related U.S. Application Data

[63] Continuation of Ser. No. 712,788, Mar. 18, 1985, which is a continuation of Ser. No. 795,524, May 10, 1977, Pat. No. 4,539,333.

## [30] Foreign Application Priority Data

Aug. 17, 1976 [GB] United Kingdom ..... 34151

Sep. 3, 1976 [GB] United Kingdom ..... 36547

[51] Int. Cl.<sup>4</sup> ..... A61K 31/557; A61K 31/34

[52] U.S. Cl. .... 514/469

[58] Field of Search ..... 514/469

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4,539,333 9/1985 Moncada ..... 514/469

Primary Examiner—Mary C. Lee

Assistant Examiner—Bernard I. Dentz

Attorney, Agent, or Firm—Donald Brown

## [57] ABSTRACT

Prostacyclin, its salts biosynthesis and synthesis thereof, pharmaceutical formulations containing them, and their use in medicine.

4 Claims, No Drawings

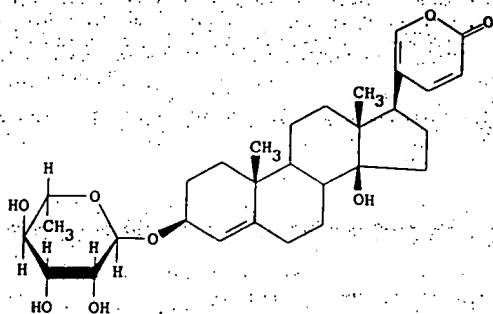
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**EXHIBIT 12**

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**ITEM 7890 MERCK INDEX  
PROSTACYCLIN**

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Prisms from methanol, mp 219-222°.  $[\alpha]_D^{20} -91.5^\circ$  (CH<sub>2</sub>OH). LD<sub>50</sub> orally in male, female rats: 56, 76 mg/kg. E. I. Goldenthal, *Toxicol. Appl. Pharmacol.* 18, 185 (1971).

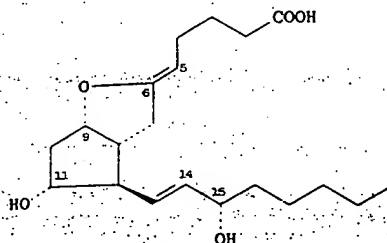
Proscillaridin-4'-methyl ether, C<sub>31</sub>H<sub>44</sub>O<sub>8</sub>, *meproscllaridin*, Clift, mp 213-217°.  $[\alpha]_D^{20} -94^\circ$  (CH<sub>2</sub>OH). uv max (CH<sub>2</sub>OH): 297 nm (log  $\epsilon$  3.79), (1N KOH/CH<sub>2</sub>OH): 355 nm (log  $\epsilon$  4.65). Sol in methanol, ethanol, THF, dioxane; slightly sol in CHCl<sub>3</sub>, CH<sub>2</sub>Cl<sub>2</sub>, acetone; insol in water, nonpolar organics. Series of articles on prepn, pharmacology, toxicology, pharmacokinetics, metabolism: *Arzneimittel-Forsch.* 28, 493-573 (1978).

THERAP CAT: Cardiotonic.

**7890. Prostacyclin.** (5Z,9 $\alpha$ ,11 $\alpha$ ,13E,15S)-6,9-Epoxy-11,15-dihydroxyprosta-5,13-dien-1-oic acid; (5Z)-9-deoxy-6,9 $\alpha$ -epoxy- $\Delta^5$ -PGF<sub>1 $\alpha$</sub> ; epoprostenol; prostaglandin I<sub>2</sub>; prostaglandin X; PGI<sub>2</sub>; PGX; U-53217. C<sub>20</sub>H<sub>32</sub>O<sub>5</sub>; mol wt 352.48. C 68.15%, H 9.15%, O 22.70%. A prostaglandin produced by enzymatic transformation of prostaglandin endoperoxides (PGG<sub>2</sub>, PGH<sub>2</sub>), which dilates blood vessels and is approximately 30 times more potent than prostaglandin E<sub>1</sub>, q.v., in inhibiting platelet aggregation. Evidence for its occurrence during biosynthetic conversion of arachidonic acid by rat stomach homogenates: C. Pace-Asciak, L. S. Wolfe, *Biochemistry* 10, 3657 (1971). Isolin from microsomes of pig and rabbit aorta by J. R. Vane and co-workers: S. Moncada et al., *Nature* 263, 663 (1976). PGI<sub>2</sub> is also synthesized in bovine coronary arteries as well as human arteries and veins: *idem*, *Lancet* 1, 18 (1977); G. J. Dusting et al., *Prostaglandins* 13, 3 (1977); by cultured human and bovine endothelial cells: B. B. Weksler et al., *Proc. Nat. Acad. Sci. USA* 74, 3922 (1977); by pig aortic endothelial cells: D. E. MacIntyre et al., *Nature* 271, 549 (1978). It has been suggested that endoperoxides released by platelets can be converted to PGI<sub>2</sub> by vascular tissue and that a balance between formation of PGI<sub>2</sub> and release of thromboxane A<sub>2</sub>, q.v., which induces platelet aggregation, controls the formation of thrombi in blood vessels. It has also been postulated that PGI<sub>2</sub> acts to stimulate platelet adenylate cyclase and to prevent the action of thrombi on phospholipid breakdown as well as platelet aggregation. Structure: R. A. Johnson et al., *Prostaglandins* 12, 915 (1976). Synthesis: E. J. Corey et al., *J. Am. Chem. Soc.* 99, 3006 (1977); of sodium salt and stereochemistry: R. A. Johnson et al., *ibid.* 4182. Additional syntheses: I. Tomoskozi et al., *Tetrahedron Letters* 1977, 2627; N. Whittaker, *ibid.* 2805; K. Nicolaou, *Chem. Commun.* 1977, 630. Synthesis of the 5E-isomer: E. J. Corey et al., *Tetrahedron Letters* 1977, 3529. Chemical stability in aq solns: M. J. Cho, M. A. Allen, *Prostaglandins* 15, 943 (1978).

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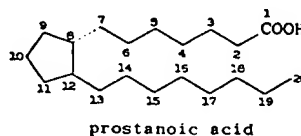


Chemically unstable in aq soln. Hydrolyzes to 6-oxo-PGF<sub>1 $\alpha$</sub> . Half-life at 4° is approx 14.5 min when total phosphate is 0.165 M. Anti-aggregating activity disappears within 0.25 min on boiling or within 10 min at 37°.

Sodium salt, C<sub>20</sub>H<sub>31</sub>NaO<sub>5</sub>, U-53217A, *Cyclo-Prostin*, *Flolan*. Hygroscopic, free-flowing white powder. Stable for 2 months if kept dry at -30°.

THERAP CAT: Platelet aggregation inhibitor.

**7891. Prostaglandin(s).** A family of biologically potent lipid acids first discovered in seminal fluid and extracts of accessory genital glands of man and sheep: von Euler, *Arch. Exp. Pathol. Pharmacol.* 175, 78 (1934); *Klin. Wochenschr.* 14, 1182 (1935). Isolin: Bergstrom, Sjoval, U.S. pats. 3,069,322 and 3,598,858 (1962, 1971); Samuelsson, *J. Biol. Chem.* 238, 3229 (1963). Also found in lower concns in other organs: *idem*, *Biochim. Biophys. Acta* 84, 707 (1964). The single non-mammalian source of prostaglandin intermediates, or syntons, is the gorgonian sea whip or sea fan, *Plexaura homomalla*: Weinheimer, Spraggins, *Tetrahedron Letters* 1969, 5185; Schneider et al., *J. Am. Chem. Soc.* 94, 2122 (1972). Prostaglandins are named as derivatives of prostanic acid. Prostaglandins are divided into the types E, F, A, B, C, and D based on functions in the cyclopentane ring. Numerical subscripts refer to the number of unsaturations in the side chains;  $\alpha$  or  $\beta$  subscripts refer to the configuration of substituents in the ring. Six naturally occurring prostaglandins, E<sub>1</sub>, E<sub>2</sub>, E<sub>3</sub>, F<sub>1 $\alpha$</sub> , F<sub>2 $\alpha$</sub> , F<sub>3 $\alpha$</sub> , are considered primary in that no one is derived from another in the living organism. First structural and stereochemical elucidations: Bergstrom et al., *Acta Chem. Scand.* 16, 501 (1962); *idem*, *J. Biol. Chem.* 238, 3555 (1963). Absolute config: Nugteren et al., *Nature* 212, 38 (1966). First total synthesis of racemic PGE<sub>1</sub> and PGF<sub>1 $\alpha$</sub> : Corey et al., *J. Am. Chem. Soc.* 90, 3245 (1968). Review of synthetic studies: Pike, *Fortschr. Chem. Org. Naturst.* 28, 313 (1970); Axen et al., in *The Total Synthesis of Natural Products*, vol. 1, J. ApSimon, Ed. (Wiley-Interscience, New York, 1973) pp 81-143; Clarkson in *Progress in Organic Chemistry*, vol. 8, W. Carruthers, J. K. Sutherland, Eds. (Wiley, New York, 1973) pp 1-28. Book: J. S. Bindra, R. Bindra, *Prostaglandin Synthesis* (Academic Press, New York, 1977).



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tion, lowering of blood pressure, of lipolysis, labor, of abortion, a pressure. Implications: reactions, nasal vasoconstrictor, autonomic neurotr and biochemical. (1965); Weeks, An man, *Ann. Rev. Bio cal activities of sy Nature* 221, 1251- cal and preparativ titled "Prostaglandi M. Landis, W. L. 1982) 705 pp. Gei (1967); Bergstrom Ramwell, Shaw, I Pike, *Sci. Amer.* 2, gress in Drug Res. 1973) pp 410-487. Ramwell, Ed. (P Prostaglandins in Scriabine et al., E 1980) 498 pp; Ca glandins, A. Herm 472 pp. Three v Reproduction; Pro Aspects; Prostaglan Pathological Aspect sity Park Press, Ba

**7892. Prostaglandin(s).** 13-en-1-oic acid; cyclopentaneheptan Liple; Minprog; P. mol wt 354.49. C prostaglandin; eas extracts. Isolin from ture: Bergstrom e *idem*, *J. Biol. Chem.* from 8,11,14-eicos: *Chim.* 85, 405 (196 J. Am. Chem. Soc. *ibid.* 5895; 91, 53 1969, 303; Taub e 1972, 304; Kuo et al., *Tetrahedron Commun.* 1973, 18 (1973). Synthesis: *Chem. Soc. 91*, 535 94, 3643 (1972); 9 *Chem.* 37, 2921 (1 (1974). Metabolism: *J. Biol. Chem.* 239 Hamberg, Samuels biological activities 3, 110 (1967). Co other prostaglandin (1972). Clinical use in neonatal cardiac taglandin Thrombo: al., *J. Thoracic Car et al.*, *Circulation* 6: vasculopathy: D. I 1846 (1981). For

Crystals from c  $[\alpha]_{578} -61.6^\circ$  (c = drated in soln at pl THERAP CAT: Vas

**7893. Prostaglandin(s).** 13-en-1-oic acid; cyclopentaneheptan Liple; Minprog; P. mol wt 354.49. C prostaglandin; eas extracts. Isolin from ture: Bergstrom e *idem*, *J. Biol. Chem.* from 8,11,14-eicos: *Chim.* 85, 405 (196 J. Am. Chem. Soc. *ibid.* 5895; 91, 53 1969, 303; Taub e 1972, 304; Kuo et al., *Tetrahedron Commun.* 1973, 18 (1973). Synthesis: *Chem. Soc. 91*, 535 94, 3643 (1972); 9 *Chem.* 37, 2921 (1 (1974). Metabolism: *J. Biol. Chem.* 239 Hamberg, Samuels biological activities 3, 110 (1967). Co other prostaglandin (1972). Clinical use in neonatal cardiac taglandin Thrombo: al., *J. Thoracic Car et al.*, *Circulation* 6: vasculopathy: D. I 1846 (1981). For

